



214 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-20932-2025
Date of decision: 23.05.2025

SUKHWINDER SINGH AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Arjun Veer Sharma, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.84 dated 09.11.2024 under Sections 112 & 303(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 21 of Mines and Minerals (Development and Regulation) Act, 1957 (for short 'the Act'), registered at Police Station Ladhuwal, District Police Commissionerate, Ludhiana.

2. On 28.04.2025, following order was passed:

"Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.84 dated 09.11.2024 under Sections 112 & 303(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 21 of Mines and Minerals (Development and Regulation) Act, 1957 (for short 'the Act'), registered at Police Station Ladhuwal, District Police Commissionerate, Ludhiana.

Learned counsel for the petitioners, inter alia, contends that main accused Simranjit Singh Gill and Lakhvir Singh, who are owners of the tipper and tractor-trolley, have already been granted the concession of ad



interim anticipatory bail by the Coordinate Bench of this Court vide order dated 18.12.2024 passed in CRM-M-63949-2024 and the order dated 24.12.2024 passed in CRM-M-65495-2024, respectively (Annexure P-4). Further, registration of FIR (supra) itself is not permissible in terms of Section 22 of the Act, as laid down by the Hon'ble Supreme Court in Kanwar Pal Singh Vs. State of Uttar Pradesh and another, 2020 (1) RCR (Crl.) 539.

Notice of motion for 23.05.2025.

Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, the petitioners are directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioners will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioners will cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).

If the Arresting Officer does not permit the petitioners to join the investigation, they would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioners in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law."

3. Learned State counsel, on instructions from ASI Kewal Krishan,



submits that in compliance of order dated 28.04.2025 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel, the order dated 28.04.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482(2) BNSS, 2023 (*Erstwhile Section 438(2) Cr.P.C.*)

5. The petition is accordingly disposed of.

6. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

May 23, 2025
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(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No