

CRM-M-22811-2025

-1-

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

340

CRM-M-22811-2025

Date of decision: 4th August, 2025

Harbhinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

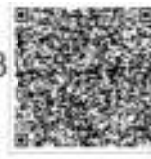
Present: Mr. M.S. Rana, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 71 dated 31.03.2025 registered under Sections 21(1) and 21(4) of Mines and Minerals Act, at Police Station Tanda, District Hoshiarpur.

2. As per the allegations, on the night of 30.03.2025, one Tipper vehicle and one JCB were found in the area of Rada Mand river while carrying illegally mined sand. The drivers of these vehicles had escaped from the spot. On receipt of information from the police, the complainant Maninder Singh, Mining Inspector had reached at the spot. After registration of FIR, investigation proceedings have been initiated and are underway. During investigation, it has been revealed that the petitioner was registered owner of both the apprehended vehicles. Apprehending his arrest, the



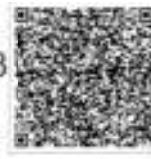
petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Hoshiarpur, which was dismissed vide order dated 22.04.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not present at the spot. His custodial interrogation is not required. No recovery is to be effected from him. He is ready to join the investigation. It is, therefore, argued that the petition deserves to be allowed.

4. Status report has been filed. It is argued by learned State counsel that the petitioner is a habitual offender as one more FIR of similar nature has already been registered against him. He is owner of the Tipper and JCB vehicle. His custodial interrogation is required for conducting thorough investigation in the matter. No extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is alleged to be involved in illegal mining of sand. The vehicles owned by him were apprehended from the spot of incident while carrying illegally mined sand. Though recovery already stands effected, however, only due to that reason the petitioner cannot be considered to have become entitle for grant of pre-arrest bail. It is well settled proposition of law that the powers for grant of pre-arrest bail are to be exercised in exceptional or sparing circumstances, whereas no such



circumstance has been made out. The petitioner has criminal antecedents. For the purpose of conducting thorough probe in the matter, his custodial interrogation is must. It is well settled proposition of law that the custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extraordinary remedy. No such circumstance has been made out in this case. Accordingly, this Court finds no ground to allow the petition and the same is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

4th August, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*