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village Mandiwal Police Station Guruharsahai on tractor marka ACE D1550 blue colour without number alongwith trolley after carrying illegal mining and after loading sand on the trolley is coming from Village Makkaran Wala Manne Wale towards Main Manne Wala, if police check post be established at the bridge of canal of the Main Manne Wala and Makkaran Wale Manne Wala on the road then Sajan Kumar can be apprehended along with tractor trolley of blue colour without any number while carrying illegal sand. The information is trustworthy and reliable. The act of Sajan Kumar falls under the section 303(2) of BNS, 21 of the Mines and Minerals Act and thereafter an FIR No.41 Dated 09.04.2025, U/s 303(2) of Bhartiya Nyaya Sanhita, 2023 and Section 21 of Mines and Minerals Act, 1957 was registered at Police Station City Jalalabad, District Fazilka against Sajan Kumar son of Sudesh Kumar. R/o village Mandiwala, Tehsil Guruharsahai, District Ferozepur.

b) That thereafter nakabandi was setup by the police party and the accused Sajan Kumar was apprehended on the spot and recovered Tractor & trolley carrying illegal Sand was taken into police custody on the spot. Then Memos and Site Plan was prepared. Statements of witnesses were recorded on the spot. On the next day i.e. on 10.04.2025, the accused was produced before the Hon'ble court of Illaqa Magistrate, Jalalabad.

c) That during course of investigation, accused Sajan Kumar disclosed that he was doing job at readymade clothes shop in Jalalabad where the present petitioner Jaswant Singh also used to come to the shop to buy clothes. He told him that he is doing the work of sand from which he earns lot of money and if he has time then he can transport his illegal sand on cart and he will give him money for every round. Earlier on asking of petitioner Jaswant Singh, he carried illegal sand at many times at different places. Yesterday on 09.04.2025 in the morning he received a call from mobile number 9877%-02918 of petitioner Jaswant Singh on his mobile number 84378-04748 and said to him that he was standing at grain market Jalalabad with his tractor trolley contained illegal sand and he asked him to carry said tractor trolley at village Manne Wala. While he was carrying his tractor brand ACE DI 550 plus from grain market Jalalabad towards canal road village makkran wala manne wala, apprehended by police party. This illegal sand belongs to present petitioner Jaswant Singh and he only knows from where he brought this illegal sand. On the basis of disclosure statement of accused Sajan Kumar, the present petitioner was nominated in the present case vide Rapat no. 018 dated 10.04.2025.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the



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petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

"Role of Petitioner

5. That it is respectfully submitted that the present petitioner in connivance with co-accused Sajan Kumar are involved in nexus of illegal mining of sand. Co-accused Sajan Kumar was arrested on the spot carrying on illegal sand. On disclosure statement of co-accused Sajan Kumar, present petitioner was nominated in present case. Moreover, said tractor and trolley containing illegal sand which was recovered on the spot from co-accused Sajan Kumar alias Sajandeep belongs to the present petitioner."

REASONING:

8. Name of present petitioner came only in disclosure statement of co-accused from whom the recovery of tractor which is in the name of the petitioner has been effected and no role has been attributed to the petitioner as he was not present at the spot.

9. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

10. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaka



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Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner’s complying with the following terms.

14. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the



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official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

05.08.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.