

2025:PHHC:088583



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

107

CRM-M-33855-2025

DATE OF DECISION: 03.07.2025

IQBAL

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. C.S. Sharma, Advocate for the petitioner(s).
Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

This petition has been filed under Section 438 of Cr.P.C. as now (482 of BNSS 2023) for grant of Anticipatory Bail to the present petitioner in case FIR No.0179 dated 14.06.2025 under Sections 21(1) Mines and Minerals (Regulation of Development) Act 1957 and sections 115, 121(1), 132, 190, 191(3), 221, 351(2) of BNS 2023 registered at Police Station Bilaspur, District Yamunanagar.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

Copy article is Jail: To, outpost incharge Ranjitpur Police station Bilaspur district Yamunanagar sir, dated 14.06.2025, ASI as Incharge along with colleagues ASI Dilbag Singh 1089/KKR EHC Pradeep Kumar 979/KKR, CT Rinku 91 KKR along with

vehicle government no HR26FT 8633 whose driver EHC Shyam Singh 498/YNR was posted on minning checking duty on the orders of officer, near village pipli wala we found two tractor trolleys, without bills, which were controlled and after seating ASI Dilbag Singh in one tractor and EHC Pradeep Kumar and CT Rinku in the other tractor we sent them to the nearby Ranjitpur outpost along with the tractor drivers, when I and EHC Sham Singh along with the vehicle reached a little ahead on the road of village Buddi for government checking, we saw a vehicle without number plate filled with corset. When I asked the driver to show the bill for this, the driver refused to show the bill and said that we do not have any bill. Meanwhile, a person came in vehicle no HR71J 7329 and said that this vehicle is mine. There is no bill or E-receipt for this. You cannot take our vehicle anywhere and 5/6 more persons came to help him, who misbehaved with us and started threatening us that you cannot take this vehicle. The person who came in vehicle no HR71J 7329 and 5/6 persons who came to help him, forcibly and abused us and chased away the dumper filled with corsent without the minning challan, they obstructing government work and said that if you come in front of the vehicle, they will run the vehicle over you. I request you to trace the above mentioned persons and take strict action against them. I have sent the video of this incident to your mobile no 8818000144. And later I will prepare a pen drive of the video and present it to you.'

3. Contentions

On behalf of the Petitioner

Counsel for the petitioner contends that he has been falsely implicated in the instant case wherein no iota of evidence states that the petitioner has direct-indirect involvement in the alleged offence. He further contends that the name of the petitioner has been

roped in only on the basis of disclosure statement of co-accused whom he allegedly helped in rescuing from the scene of crime.

On behalf of the State

Learned State counsel who is present in the court accepts notice on behalf of the state and opposes the grant of anticipatory bail to the petitioner by submitting that the petitioner has been duly identified as an active conspirator indulged in facilitation of well organised illicit mining activity and obstructing public servants from discharging their duties therefore his custodial interrogation is required to unearth the truth.

Heard learned counsel for the respective parties at length.

4. Analysis

After considering the submissions made herein above and on perusal of the assertions made in the petition as well, this court is of the firm view that custodial interrogation of the petitioner is required particularly in view of the fact that serious overt act has been attributed to the petitioner. The perusal of the record in hand shows that the petitioner was proactively involved in serious infringement of law and menace of illegal mining by facilitating escape of seized motor vehicle containing illicit mining material by rioting, deterring public servants from discharging their duty aggravated by criminal intimidation.

No doubt, sand mining being a lucrative industry worth crores of rupees has become a significant problem in the present times causing damage to the environment at large and losses to the state exchequer. Another ecological damage which can be caused by unplanned mining is that it can bring change in the course of natural

flow of the river water making the surrounding area prone to water floods.

Coming to the instant case, the offense involved is heinous in nature wherein custodial interrogation of the petitioner is necessitated to unveil the place of disposal of illicit mining material, identification of hideouts of co-accused and recovery of incriminatory material and thus no leniency can be expected for the grant of anticipatory bail. The coordinate bench of this court in “**Satya Nand Vs State of Punjab, 2022 Live Law (PH) 22**” has held that:-

“...The adverse effects of environmental degradation needs no highlighting. Rather, illegal mining can lead to floods and destruction of crops and even washing away of homes and properties apart from pollution and destruction of wildlife and ecosystem. No leniency can be shown in such like matters, which have an irreparable adverse effect on the environment and is a colossal loss for the generations to come. As such, no special case for grant of anticipatory bail is made out. The petition is sans merit and is hereby dismissed”.

Moreso, it is a settled proposition of law that power exercisable under Section 482 B.N.S.S, 2023, is somewhat extraordinary in character and it is to be exercised in exceptional cases with utmost caution and sparingly. The Hon'ble Supreme Court in **State Vs. Anil Sharma : (1997) 7 SCC 187** held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful

information and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

In *Sushila Aggarwal Vs. State (NCT of Delhi)*, (2020) 5

SCC1, Hon’ble Supreme Court has enunciated the considerations that must govern the grant of anticipatory by holding as under: -

92.3...While considering an application (for grant of anticipatory bail) the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence (including intimidating witnesses), likelihood of fleeing justice (such as leaving the country), etc.

92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

Similarly, in *Neeru Yadav Vs. State of UP & Anr., (2016)*

15 SCC 422, it was held by Hon'ble Supreme Court as under: -

“11. It is the duty of the Court to take into consideration certain factors and they basically are,

(i) the nature of accusation and the severity of punishment in cases of conviction and the nature of supporting evidence, (ii) reasonable apprehension of tampering with the witnesses for apprehension of threat to the complainant, and

(iii) Prima facie satisfaction of the court in support of the charge.”

5. Conclusion

In view of the seriousness of the allegations, the custodial interrogation of the petitioner is certainly required to unfold the illegal activities prevailing, causing devastating effect to the environment. Therefore, in the interest of environment and the gravity of the offence involved, I find no merit in the petition and the same is hereby dismissed.

However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the trial Court is free to adjudicate upon the matter in accordance with law.

Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

03.07.2025

Meenu

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>