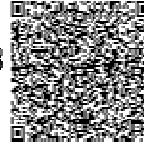


2025:PHHC:112198



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

CRM-M-34276-2025

Date of decision: August 25, 2025

Rakesh Kumar

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:** Ms. Kamaldeep Kaur, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of concession of anticipatory bail to the petitioner in case FIR No.38 dated 04.04.2025, under Sections 21(1) and 4(1) of the Mines and Minerals (Regulation Development) Act, registered at Police Station Nurpur Bedi, District Rupnagar.

2. Learned counsel for the petitioner has argued that non-appearance of the learned counsel on 30.07.2025 was inadvertent. Learned counsel has further submitted that however, the petitioner has joined investigation, in terms of the order dated 04.07.2025 and his custodial interrogation is not warranted in the factual milieu of the case.

3. The said order dated 04.07.2025 reads thus:

“Apprehending his arrest in FIR No.38 dated 4.4.2025, under Sections 21 (1), 4 (1) of Mines and Minerals (Regulation Development)

Act, 1957, registered at Police Station Nurpur Bedi, District Rupnagar, the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

*Inter alia, contends that the petitioner is stated to be falsely implicated into the FIR in question only on the basis of the recovery of poclain machine which was parked at the alleged spot, the petitioner was not even physically present at the spot & the petitioner is willing to join investigation and cooperate therein. To buttress her arguments learned counsel for the petitioner has relied upon the dicta of the judgments rendered by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, 2014 AIR (SCW) 3930**, and reiterated in **Md. Asfak Alam Vs. The State of Jharkhand & Anr., 2023 AIR (Supreme Court) 3610**.*

Notice of motion for 30.7.2025.

Mr. Durgesh Garg, AAG, Punjab accepts notice on behalf of respondent-State.

The petitioner is directed to appear before the Investigating Officer on 9.7.2025 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.”

4. In view of the aforesaid submission made by learned counsel for the petitioner, this Court deem it appropriate to restore the interim protection afforded to the petitioner, vide order *ibid*.

5. Ordered accordingly.

6. Learned State counsel (on instructions from ASI Ranjit Singh) has submitted that pursuant to the order dated 04.07.2025, the petitioner has indeed joined investigation, and his custodial interrogation is not required.

7. Having heard learned counsel for the parties and upon perusal of the record and in view of the stance of the State, the interim order dated 04.07.2025 is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS.

8. Petition stands allowed, accordingly.

9. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be

confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

10. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 482(2) of BNSS or upon showing any other sufficient cause.

11. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

12. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

August 25, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No