

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-33783-2025
Date of Decision: 17.07.2025

Surjit Singh ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. H.V. Gupta, Advocate for the petitioner.
Ms. Navreet K. Barnala, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
27	15.03.2024	Nangal, District Roopnagar	21(1), 4(1) of Mines and Minerals (Regulation and Development) Act, 1957

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 09 of the bail petition, the petitioner declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“That it is respectfully submitted that joint complaint dated 15.03.2024, was moved by the complainants-Lakhdeep Singh (Sub-Divisional Engineer), Manpreet Singh and Abhishek Kumar both Junior Engineers-cum-Mining Inspectors, Nangal, to Station House Officer, police station Nangal, mentioning therein that in the morning of 15.03.2024, a video of illegal mining being carried out in the area of village Bhanam, was received on whatsapp and on receipt of said video, the team of Mining Officials reached at the spot and it was found that fresh mining was carried out at the spot in the area of Swan River near village Bhanam. It was further mentioned in the complaint that thereafter the team of Mining Officials carried out checking in the Crusher Zone of village Bhanam and during checking of Crushers, fresh raw mining material was found lying at Yogi Stone Crusher and Malwa Screening and Stone Crusher and the said raw mining material was fresh and was extracted from Swan River and two



pocklane machines make JCB 215 of yellow colour (at Yogi Stone Crusher) and Kobelco of green colour (at Malwa Screening and Stone Crusher), were also lying near the fresh mining raw material and the fresh marks of the chains of the poclane machines could be seen leading to the place of illegal mining. The complainants requested to register FIR against the owners of land and crusher and poclane machines, as it was a violation of provisions of Mines and Minerals (Development and Regulations) Act, 1957, and the complainants also requested to ascertain the land owners by involving revenue officials in the investigation.

3. That it is further submitted that on receipt of aforementioned complaint of the Complainant-Mining Inspectors, FIR No.27 dated 15.03.2024, under Section 21(1) read with 4(1) of Mines and Minerals (Development and Regulations) Act, 1957, was lodged against the unknown owner(s) of crushers, land and machinery used in the illegal mining, at police station Nangal, District Rupnagar.”

4. In compliance of order dated 10.07.2025 passed by this Court, counsel for the petitioner has handed over original affidavits of the petitioner to State counsel. Counsel for the petitioner submits that he would not claim such declaration as any incrimination or violation of his rights under Articles 20/21 of the Constitution of India, Bharatiya Sakshya Adhiniyam, 2023 or any other law in force.

5. 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.

6. 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 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.

7. The State's counsel opposes bail and refers to the status report.

8. It would be appropriate to refer to the following portions of the status report, which read as follows:

5 (B) The evidence against the petitioner.

That it is respectfully submitted that the complainants visited the



spot on 15.03.2024, from where the mining material was extracted and they found that there was fresh digging at the spot and the fresh marks of the chains of the poclain machines from the spot to the crusher of the petitioner-Surjit Singh lead the mining officials to the Malwa Screening and Stone Crushers and Yogi Stone Crusher and further fresh raw mining material found at the premises of these crushers established that the mining was carried out by these crushers managed by the petitioner-Surjit Singh and his co-accused Paramjit Singh. It is respectfully submitted that rent agreement dated 01.10.2023, executed by Deepak Kumar Monga (owner of Malwa Screening and Stone Crushers) in favour of petitioner-Surjit Singh is taken on the file and the same was valid till 31.09.2024. Apart from documentary evidence, the ocular version of Deepak Kumar Monga is also there.

6. That it is further submitted that on 18.03.2024, an application was moved by the Investigating Officer to Tehsildar Nangal, seeking demarcation and verification of ownership of land where illegal mining was carried out. It is further submitted that after demarcation of land under illegal mining, the report dated 04.04.2024, was given by revenue staff, whereby it was found that the Khasra Number of the land under illegal mining was 73//2 of village Bhanam and the said land was found owned by Paramjit Singh son of Karam Chand.

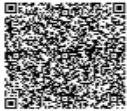
7 That it is respectfully submitted that on 14.04.2024, an application was moved by the Investigating Officer to SDO Mining Department, Nangal seeking demarcation of land under illegal mining to ascertain the total quantity of minor minerals extracted from the spot and after demarcation of the land under illegal mining, the SDO Mining Department, Nangal gave its report dated 23.04.2024, whereby it was found that 22200 Cubic Feet minor minerals were extracted from the land.

C Role of the Petitioner

That it is respectfully submitted that Petitioner-Surjit Singh in connivance with his co-accused-Paramjit Singh had extracted 22200 Cubic Feet minor mineral from the Swan river bed illegally.”

REASONING:

9. State can recover the loss caused by the petitioner and for that purpose, petitioner has already provided his assets. 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 Ilqa 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. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the



Court.

16. 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.

17. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

18. *This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall 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 as per their discretion, they may cancel this bail.*

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

20. 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 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.

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

(ANOOP CHITKARA)
JUDGE

17.07.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.