

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-36984-2025

Date of decision: 4th September, 2025

Ali Muddin

...Petitioner

Versus

State of Haryana

...Respondent

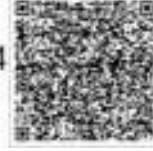
CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Saurav Bhatia, Advocate for the petitioner.
Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

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. 90 dated 02.06.2025 registered under Sections 223, 61(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), Section 21(1) of Mines and Minerals (Development and Regulations) Act 1957 (for short, '*the 1957 Act*'), Section 4 and 5 of Punjab Land Preservation Act, 1900 (for short, '*the 1900 Act*') and Sections 32 and 33 of Indian Forest Act, 1927 (for short, '*the 1927 Act*') at Police Station Ferozpur Jhirka, District Nuh.

2. The aforementioned FIR was registered on the basis of a complaint submitted by the complainant Shohit Kumar Dhull, Range Forest Officer, Ferozpur Jhirka, alleging that as per the direction issued by the Hon'ble Supreme Court in a case titled as *Jumma v. Union of India*, the Deputy Commissioner, Nuh, had passed an order on 15.05.2025, whereby an illegal passage in the area of village Basai Mev to Nangal was closed and a



trench was created there. On the intervening night of 01/02.06.2025 an information was received that the petitioner and the co-accused, Sakul, had filled the trench with the help of a pocklain machine and had caused hindrance in implementation of the order passed by Hon'ble Supreme Court. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail which has been dismissed by the Court of learned Additional Sessions Judge Nuh, vide order dated of 07.07.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is ready to join the investigation. No recovery is to be effected from him. His custodial interrogation is not required. Even otherwise, no cognizance can be taken for commission of offence punishable under Section 21 (1) of the 1957 Act. As per law, prosecution thereunder can only be launched by way of a complaint, and no FIR can be registered. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed. It is argued by learned State counsel that there are specific and serious allegations against the petitioner. For conducting thorough investigation in the matter, his custodial interrogation is must. The petitioner is absconding from his house and has deliberately concealed himself to avoid arrest. The petitioner has been booked for commission of offences punishable under the provisions of BNS, provisions of the 1900 Act, as well as the 1927 Act also. No exceptional or extraordinary ground for grant of bail to the petitioner is made out. It is, therefore, urged that the petition does not deserve to be allowed.



5. This Court has heard learned counsel for the parties at considerable length and has gone through the record carefully.

6. The petitioner is alleged to have filled a trench created by the District Administration to comply with the order passed by the Hon'ble Supreme Court and is further alleged to have used a pocklain machine to mine the hill and use the sand for the purpose of filling the trench. The question that cognizance under the provisions of Section 21 of the 1900 Act can be taken or not has to be decided by the learned trial Court. The petitioner is booked for commission of other offences as well under the provisions of BNS, the 1900 Act, and the 1927 Act. The allegations against him are specific in nature. For conducting proper and thorough investigation in the matter, his custodial interrogation is required. The case is at its nascent stage. No exceptional or extraordinary circumstance for a grant of pre-arrest bail is made out. By denying opportunity of custodial interrogation to the Investigating Agency, many loopholes and gaps would be left adversely affecting the investigation. As such, this Court finds no reason to allow the petition and hence the same is dismissed.

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

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

[MANISHA BATRA]
JUDGE

4th September, 2025

Parveen Sharma

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

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