

2025:PHHC:091596



108

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

**CRM-M-39293-2025
DECIDED ON: 24.07.2025**

GURPARTAP SINGH ALIAS GORA**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Lalit Goyal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 167 dated 29.06.2025 under Section 303(2) of BNS, 2023 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, registered at Police Station Ajnala, District Amritsar Rural.

2 Contention**On behalf of the petitioner**

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and the recovery was effected from co-accused persons. He further submits that similarly situated co-accused has already been enlarged on regular bail vide order dated 14.07.2025 (Annexure P-2) passed

by Additional Sessions Judge, Amritsar. He undertakes on behalf of the petitioner that he is ready and willing to join the investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. TPS Walia, AAG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition, submitting that the petitioner's name is specifically mentioned in the FIR as the principal accused. It is further stated that the petitioner was driving the tipper on the date of the alleged offence, which was loaded with 1.5 'sekra' units of sand, and that he is engaged in the illegal mining business.

3. **Analysis**

Be that as it may, having given thoughtful consideration to the submissions advanced above particularly the fact that the recovery has already been effected from co-accused and similarly situated co-accused has already been granted the concession of regular bail vide order dated 14.07.2025 (Annexure P-2) passed by Additional Sessions Judge, Amritsar, custodial interrogation of the petitioner is not required.

In the light of above, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

4. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the

satisfaction of Arresting Officer/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

24.07.2025

Meenu

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No