



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

139

**CRM-M-40769-2025
Date of decision: 31.07.2025**

SHAMSHER SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. M.R. Sharma, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH. J.(Oral)

1. Present petition has been filed by the petitioner, seeking grant of anticipatory bail in case bearing FIR No.52, dated 15.05.2025, under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, read with Sections 132, 121 of BNS, registered at Police Station Taragarh, District Pathankot.

2. As per the allegations, on the evening of 14.05.2025, checking for mining at the outer passage of crusher zone was carried out by the officials of the Mining Department. During the operation, the owners/drivers of the vehicles abandoned their vehicles loaded with sand and gravel and fled away from the spot. The required information was given to the District Mining Officer, Pathankot. Subsequently, certain revenue officials also arrived at the scene of incident.

3. Counsel submits that, although the petitioner is a driver of the vehicle, truck bearing Chassis No.MAT56900253C07529, which is mentioned in the list of vehicles allegedly found involved in the illegal mining activity, but it was shown to have been never recovered.

Further, counsel argues that the involvement of the petitioner has yet to



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be established by the prosecution through substantive evidence, and also the burden of the prosecution would be whether there is any involvement of the petitioner or not with respect to a specific knowledge of using of the vehicle registered in his name.

Petitioner was arrayed as accused vide rapat No.19 dated 15.07.2025. Moreover, petitioner is ready to join investigation if he is granted protection from arrest.

4. Learned State counsel argues that even a video recording showing the presence of the vehicle at the spot was forwarded to the respective numbers on WhatsApp. Therefore, *prima facie*, sufficient and ample evidence is available showing the involvement of the vehicle, rather a heavy burden is on the petitioner himself, to prove the fact that he was not involved in any illegal mining process.

5. I have considered the submissions made by learned counsel for the parties and gone through the record along with the facts alleged in the FIR. Admittedly, it is not an allegation that the petitioner was definitely present at the spot at the time of mining, when the photograph/ video of the vehicles was taken on 14.05.2025, the involvement of the petitioner is yet to be established by the prosecution, and that too beyond doubt.

6. In view of the above, **prayer made in the present petition is allowed**, and petitioner is directed to join the investigation within a period of two weeks from today, or as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.)

7. Besides, it is directed that petitioner would hand over his passport to the



Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport. It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

8. Petition stands disposed of accordingly.

31.07.2025
amandeep

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No