

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

CRM-M-44137-2025
Date of Decision: 13.08.2025

Jaswinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Saurav Dogra, Advocate and
Mr. Mahesh Rana, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

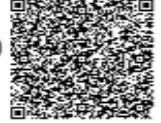
FIR No.	Dated	Police Station	Sections
98	09.06.2025	Mullanpur, District SAS Nagar	4(1), 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 (Section 303(2) of BNS added later on)

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. Per paragraph 21 of the bail application, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	9	24.01.2023	4(1), 21(1) Mining and Mineral Act	Mullanpur
2.	87	2022	4(1), 21(1) Mining and Mineral Act	Mullanpur
3.	101	2022	4(1), 21(1) Mining and Mineral Act and 181 Mo- tor Vehicle Act	Mullanpur
4.	164	17.07.2024	4(1), 21(1) Mining and Mineral Act	Balongi

3. The facts and allegations are being taken from the order dated 09.07.2025 passed by learned Additional Sessions Judge, SAS Nagar (Mohali), which reads as follows:

“3. Succinctly stated, the FIR in this case has been got registered on the complaint moved by Hitesh Kaushal, Mining Inspector, wherein it was submitted that consequent to the inspection conducted at Village Tira



and as per the GPS coordinates, it was found that illegal mining has been carried out. It was alleged that one red coloured Poclain machine and one Tipper bearing registration no.PB-65-X-5120 loaded with illegally mined soil were found at the spot and complainant suspected that mining was done with the said machine. He, therefore, requested that criminal case under 21(1), 4(1) of Mines and Minerals Regulations (Development) Act, 1957 be registered against unknown person. On the basis of aforesaid complaint, present FIR was registered against unknown person. However, during investigation that aforesaid Tipper is owned by present petitioner Jaswinder Singh and as such, he was nominated as accused. Now, apprehending his arrest in the present case, petitioner Jaswinder Singh has filed this bail application under Section 482 of BNSS, seeking anticipatory bail, in this case.”

4. 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.

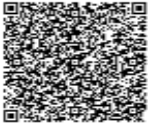
5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven 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.

6. The State's counsel opposes bail on instructions.

REASONING:

7. 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.

8. 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.



9. 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 Ilaqa 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.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

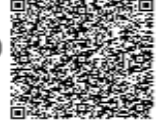
1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms.

12. **The petitioner is directed to join the investigation on 25.08.2025 and 26.08.2025 at 10:00 am in the Concerned Police Station and thereafter 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.

13. 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.

14. 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.



15. 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.

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

17. 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.

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

(ANOOP CHITKARA)
JUDGE

13.08.2025

Jyoti-II

Whether speaking/reasoned: Yes

Whether reportable: No.