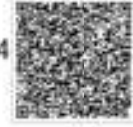
**CRM-M-48761-2025****(328) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-48761-2025****Date of decision : 28.11.2025****SUPINDER SINGH****... Petitioner****Versus****STATE OF PUNJAB****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA****Present: Mr. Vikramjeet Singh, Advocate for the petitioner****Ms. Sakshi Bakshi, AAG, Punjab************MANISHA BATRA, J.**

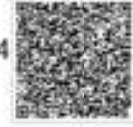
1. The instant petition has been filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of anticipatory bail in case arising out of FIR No.131, dated 28.09.2023 registered under Sections 21(1), 4(1) of Mines & Minerals (Regulation of Development) Act, 1957 at Police Station Nurpur Bedi, District Rupnagar.

2. The aforementioned FIR was registered on the basis of complaint moved by Mining Inspector-cum-Junior Engineer alleging that on the night of 28.09.2023, he alongwith Sub-Divisional Officer-cum-Mining Officer and some other officials was carrying out checking of illegal mining in the area of Village Swara when it was found that illegal mining was carried out on the backside of RB Stone Crusher, Swaran. Marks of tyres/chains of poclain machine and tippers were also found at the spot. A poclain machine was lying in the premises of above

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mentioned stone crusher which showed that its engine had been stopped recently. After registration of FIR against unknown owners of RB Stone Crusher, investigation proceedings have been initiated and are underway. During the course of investigation, it was found that the above-mentioned stone crusher was previously owned by one Baljit Singh Johal, who on being questioned disclosed that the same had been purchased by the present petitioner and co-accused Manjit Singh from him on 23.08.2023 and they were in possession of the same. It was also revealed that Manjit Singh had leased out his share to one Surjit Singh and the petitioner alongwith the said Surjit Singh was running business from the same and had been involved in illegal mining. The petitioner was nominated as an accused. Apprehending his arrest, he filed an application for grant of anticipatory bail, which has been dismissed by the Court of Learned Additional Sessions Judge, Rupnagar vide order dated 20.08.2025.

3. It is argued by the learned counsel for the petitioner that he has been falsely implicated in this case after a gap of almost one and half year from the date of registration of the FIR. He was not in possession of the stone crusher. The co-accused Surjit Singh had taken the crusher on rent from Manjit Singh w.e.f. 08.10.2023 and it was Surjit Singh who was responsible for all the affairs of the stone crusher. The said co-accused has been extended benefit of regular bail. The rent agreement of the stone crusher was also executed in his name. The custodial interrogation of the petitioner is not required. He is ready to join the

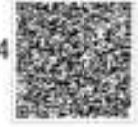
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investigation. No recovery is to be affected from him. It is, therefore, argued that he deserves to be given the benefit of anticipatory bail.

4. Per contra, learned State Counsel has argued that there are serious allegations against the petitioner who alongwith the co-accused was the co-owner to the extent of 50% share in the stone crusher and had been found involved in doing illegal mining to the tune of 10,000 Cubic Feet from the Swan river existing at the backside of the stone crusher. He has caused loss to the State Exchequer. For conducting thorough and proper investigation in the matter, his custodial interrogation is must. There is no extra-ordinary and exceptional circumstance to extend benefit of bail to him. It is, therefore, urged that the petition deserves to be allowed.

5. This Court has heard rival submissions made by both the parties.

6. The petitioner alongwith the co-accused is alleged to be involved in illegal mining of the minerals from the backside of the stone crusher, in which, he is a partner to the extent of 50% share. There are specific allegations against him. For the purpose of conducting proper and thorough investigation in the matter, custodial interrogation of the petitioner is must. It is well settled proposition of law that powers for grant of anticipatory bail are to be exercised in exceptional and extra-ordinary circumstances. No such circumstance has, however, been made out in this case. The case is at its nascent stage. In case the custodial interrogation of the petitioner is denied to the Investigating Agency, that will leave many glaring loopholes and gaps thereby adversely affecting

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the investigation. The Court is also required to see that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. Taking into consideration the above discussed facts, this Court is of the considered opinion that the petition deserves to be dismissed. Accordingly the same is dismissed.

7. It is, however, clarified that nothing discussed above should be construed to be an expression of this Court on the merits of the case.

(MANISHA BATRA)
JUDGE

28.11.2025
Amit Sharma

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