

2025:PHHC:175489



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

1. CRM-M-52201-2025 (O&M)

Liakat Ali @ Liyaket Ali

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-52320-2025 (O&M)

Mushtaq Ali @ Mustak Ali

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision : 19.12.2025

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vishal Sharma Vasudeva, Advocate
for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This common order shall dispose of abovementioned two petitions as they arise out of the same FIR and seek similar relief.

2. Prayer in these petitions, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioners in FIR No. 108 dated 31.08.2025 registered under Sections 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 and Section 303(2) of BNS, 2023 at Police Station Taragarh, District Pathankot.

3. Brief facts relevant for the purpose of disposal of the present petitions are that the aforementioned FIR was registered on the basis of a complaint lodged by complainant JE Navdeep Singh alleging therein that on

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31.08.2025, in pursuance of a secret information, the petitioners were apprehended by a police party while doing illegal activities of mining. Recovery of a tractor trolley, loaded about 200 CFT wet sand and two shovels was effected from them, which was taken into police possession. The petitioners suffered disclosure statements admitting their involvement in the subject crime. Investigation is still underway.

4. It is argued by learned counsel for the petitioner that they have been falsely implicated in this case. A false recovery has been planted upon them. They have clean antecedents. They are in custody since 31.08.2025. The subject offences are triable by Magistrate. Completion of investigation and thereafter conclusion of trial would take considerable time. Their continued incarceration would not serve any useful purpose. It is, therefore, argued that they deserve to be released on regular bail.

5. Status reports have been filed by the respondent-State. It is argued by learned State counsel that keeping in view the gravity of the allegations levelled against the petitioners, they are not entitled to get benefit of bail. Hence, it is urged that the petitions are liable to be dismissed.

6. This Court has heard the rival submissions.

7. The petitioner are in custody since 31.08.2025. Though the allegations *prima facie* make out a case against them qua commission of subject offences, however, on going through the status reports, it is revealed that even the investigation is not yet complete. Hence, the completion of the same and conclusion of trial would take some time. The petitioners have clean antecedents. It is well established that bail is the rule and jail is an exception. It is also well settled that the pre-trial incarceration should not be a replica of

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post-conviction sentencing and the sentence during trial should not be punitive. The petitioners are not required for further investigation. As such, no fruitful purpose would be served by their continued incarceration. Keeping in view the aforesaid facts and the circumstances peculiar to the case, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioners in custody anymore. Accordingly, the present petitions are allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is made clear that any observations made herein above are only for the purpose of deciding the present petitions and the same shall have no bearing on the merits of the case.

9. Let a photocopy of this order be placed on the file of the connected case.

19.12.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No