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

CRM-M-59678-2024

Date of decision: 06.02.2025

Parvinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Arjun Veer Sharma, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR No.29 dated 17.04.2024 (Annexure P-1) under Sections 21(1)/4(1) of Mines and Minerals (Regulation of Development) Act, 1957 registered at Police Station Rahon, District SBS Nagar.

The learned State counsel has filed the status report dated 05.02.2025 on behalf of the respondent-State and the same is taken on record.

On 28.11.2024, the following order was passed:-

'The prayer in this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) is for grant of anticipatory bail to the petitioner in case FIR No.29 dated 17.04.2024 under Sections 21(1) and 4(1) of the Mines and Minerals (Regulation of Development) Act, 1957 registered at Police Station Rahon, District SBS Nagar (Annexure P-1).

Learned counsel for the petitioner inter alia submits that the petitioner has been nominated on the basis of statement of co-accused while in custody but the petitioner was not anyway involved in the mining. No mining has been done at the spot. Only broken down Poclain machine of the petitioner was found at the spot. It is further submitted that the petitioner had been lending the machine to the contractors who are lawfully entitled to do mining in the area.

Notice of motion.

On asking of the Court, Ms. Manjot Kaur, AAG, Punjab



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appears and accepts notice on behalf of the respondent-State and seeks time to file status report. A copy of the paper book be supplied to her during the course of the day.

On asking, learned State counsel submits that no mining was done at the spot. As per allegations in the FIR, the machine which was found at the spot at that time was not working.

Adjourned to 06.02.2025.

In the meantime, petitioner is directed to join investigation as and when called by SHO/Investigating Officer and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds/surety bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 482 (2) BNSS:-

(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required:

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

(iii) that the petitioner shall not leave the country without prior permission of the Court concerned.

Status report be filed on or before the next date of hearing with an advance copy to the counsel opposite. '

Learned State counsel on instructions from HC Chandandeep Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 28.11.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

06.02.2025

Neha

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