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2025:PHHC:155998



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: November 12, 2025

Sohit Kumar and another
....Petitioners
Versus
State of Punjab
....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Inderjit Sharma, Advocate and
Dr. Prem Nath, Advocate for the petitioners.

Mr. Baljinder Singh Sra, Additional AG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) for grant of regular bail to
the petitioners in case bearing FIR No.0161 dated 10.10.2025, registered for the
offences punishable under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023
(for short ‘BNS’) and Section 21(1) of the Mines and Minerals Act, 1957 (for
short ‘Mines Act’), at Police Station Sujanpur, District Pathankot.

2. The gravamen of the FIR in question is that on 10.10.2025, at
about 12:40 A.M., the police party received telephonic information that illegal
mining activities were being carried out during the night at the Behrian Crusher
Zone. HC-Gursimranjit Singh, along with other police officials, was on
patrolling duty and engaged in the search for suspicious elements in village
Behrian near the Petrol Pump when a secret informer approached and disclosed
that the owners of Navdurga Stone Crusher, Behrian Bajurg, were conducting

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illegal mining operations in the Ravi River using a Poclain machine and a tipper. The informer further stated that if a raid was conducted immediately, both the Poclain machine and the tipper could be caught while loading gravel.

Considering the information to be reliable, HC Gursimranjit Singh, along with his team, proceeded to the location mentioned by the informer. Upon reaching the site, the police observed one person operating a Poclain machine (make Tata Hitachi, orange in color, without a registration number) and excavating material from the riverbed, while a tipper (make Tata, bearing registration No.PB-08-FA-3671) was parked nearby and being loaded with gravel. Another individual was seen standing near both vehicles, who fled the spot upon noticing the police party.

Upon inquiry, the operator of the Poclain machine disclosed his name as Sohith Kumar (*petitioner No.1 herein*), son of Nishu Kant, resident of village Marocha, Police Station Marocha, District Kathiar, State of Bihar, presently residing at Navdurga Stone Crusher, Behrian Bajurg. The driver of the tipper disclosed his name as Rajesh Kumar (*petitioner No.2 herein*), son of Hans Raj, resident of village Ferozepur Kalan, Police Station Sujampur. The mining site was then inspected.

Subsequently, HC Gursimranjit Singh informed the SHO telephonically about the situation and requested him to inform the Mining Department. After approximately 20 minutes, Sh. Amit Kapila, Junior Engineer-cum-Mining Inspector, Dhar Sub-Division, Pathankot, along with Sh. Shanveer Singh, Junior Engineer-cum-Mining Inspector, Dhar Sub-Division, Pathankot, arrived at the spot. After inspecting the site, they handed over a written report, Letter No.Special-01 dated 10.10.2025, to HC Gursimranjit Singh. In their report, they confirmed that the site of extraction was freshly dug

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and that illegal mining had been conducted at the location with coordinates LAT = 32.364856 and LONG = 75.583180.

3. Learned counsel for the petitioners has iterated that the petitioners are in custody since 10.10.2025. Learned counsel has iterated that the petitioners have been falsely implicated into the FIR in question. Learned counsel has further argued that the petitioners are merely workers/ servants of Navdurga Stone Crusher, Behrian Bajurg and have nothing to do with the offence in question. Learned counsel has also iterated that tipper (loaded with gravel) as also proclain machine in question already stand recovered. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioners are serious in nature, and thus, the petitioners do not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificates dated 11.11.2025 & 12.11.2025, in the Court today, which are taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioners was arrested on 10.10.2025 and are in continuous custody since then. The culmination of investigation and presentation of challan as also, the trial emanating therefrom, in case occasion so arises, will take long time. The rival contentions raised at Bar given rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioners absconding from the process of justice or interfering with the prosecution evidence.

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6.1. As per custody certificate dated 11.11.2025 & 12.11.2025 filed by learned State counsel, the petitioners have already suffered incarceration for a period of more than 01 month. Further, as per the said custody certificate, the petitioners are stated to be involved in other FIR(s). However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioners in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***, a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in CRM-M No.38822-2022 titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

Suffice to say, further detention of the petitioners as undertrials is not warranted in the factual milieu of the case.

7. In view of above, the present petition is allowed. Petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioners shall remain bound by the following conditions:

- (i) The petitioners shall not mis-use the liberty granted.
- (ii) The petitioners shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioners shall not absent themselves on any date before the trial.
- (iv) The petitioners shall not commit any offence while on bail.
- (v) The petitioners shall deposit their passport(s), if any, with the trial Court.
- (vi) The petitioners shall give their cellphone number(s) to the Investigating Officer/SHO of concerned Police Station and

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shall not change their cell-phone number(s) without prior permission of the trial Court/Illaqa Magistrate.
(vii) The petitioners shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioners.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

November 12, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No