



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

CRM-M-65520-2024

Date of Decision:09.01.2025

Harpreet Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of the B.N.S.S with a prayer to grant anticipatory bail to him in case FIR No.203, dated 14.10.2020, registered under Sections 21(1) of the Mines and Minerals (Regulation of Development) Act and under Section 379 of IPC, at Police Station Garhshankar, District Hoshiarpur (Annexure P-1).

2. Learned counsel for the petitioner contends that in the present case, the Forest Range Officer along with his team had arrived at the site of an illegal mining on getting the secret information and the certain vehicles, which were being used for illegal mining activities were found abandoned at the spot. Since, the illegal mining was being conducted without necessary permission, the FIR was registered in the present case. Learned counsel for the petitioner contends that the allegations levelled by the complainant of illegal mining were being carried out by the owner of Shivalik Aggregate Stone Crusher and the firm of

the petitioner had only provided the vehicles to Shivalik Aggregate Stone Crusher. He further contends that the said argument finds support from the copy of the agreement dated 23.07.2020 (Annexure P-2). Learned counsel further contends that the petitioner is neither owner nor the partner of M/s Shivalik Aggregate Stone Crusher and has been wrongly nominated as an accused in the present case. He further contends that since the recovery has already been effected from spot, custodial interrogation of the petitioner may not be required.

3. A status report by way of an affidavit of Deputy Senior Superintendent of Police, Sub Division Garhshankar, District Hoshiarpur has been filed on behalf of respondent-State and the same is taken on record.

4. On the other hand learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the present petitioner and he is not entitled to grant of concession of anticipatory bail.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. It is apparent from the record that the petitioner had no concern with the firm M/s Shivalik Aggregate Stone Crusher. Moreover, the recovery has already been effected from the petitioner and the custodial interrogation of the petitioner may not be required.

7. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Sections 482 (2) of B.N.S.S. It will be open for the Investigating Officer to call the petitioner to join the investigation, if so required, by issuing a written notice in this regard and he shall abide by the

conditions mentioned in Section 482 (2) of B.N.S.S.

09.01.2025

hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No