



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

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CRM-M-6192-2026

Date of decision : 18.02.2026

Harish Nagar and another

....Petitioners

V/S

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. John Kumar, Advocate for the petitioners.

Mr. Priyavrat Parashar, A.A.G., Haryana.

NAMIT KUMAR, J. (ORAL)

1. The petitioners have filed the instant petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in case FIR No.10 dated 08.01.2026 registered under Sections 121(1), 132, 221, 223(A), 303, 351(3) & 3(5) of Bharatiya Nyaya Sanhita, 2023 at Police Station Bhupani, District Faridabad.

2. Status report by way of an affidavit of Sh. Rajeev Kumar, HPS, Assistant Commissioner of Police, Central, Faridabad, on behalf of the respondent-State, has been filed in the Court which is taken on record.

3. Brief facts of the case are that on 08.01.2026, ASI Shamsher Singh submitted a complaint to SI Virender Singh stating therein that he received information from Rider No.20 that he caught a tractor with trolley filled with Yamuna sand on Pusta Road, Village Mahawatpur, Faridabad and the driver of said tractor-trolley (later on

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identified as Sukhdev) and some other persons caused hindrance in taking away the said tractor-trolley from there and stopped the way. On this information, he along with HC Sunil Kumar, SPO Gajender and driver Yogesh in Govt. vehicle reached at Village Mahawatpur, where Rider No.20 SPO Puran Singh and SPO Diwan Singh met them and two persons were found sitting in a Wagon-R car bearing registration number HR-51CK-5014. On enquiry, one of those person disclosed his name as Harish and another person disclosed his name as Dinesh (both petitioners herein). When police tried to explain them the legal position, Dinesh suddenly started the tractor and fled from the spot. When police officials followed him then, Harish deliberately stopped his car in front of the Govt. Vehicle in order to block their way. Thereafter, they took the said tractor-trolley to village Nacholi near their house and drove inside a walled enclosure. When the Govt. vehicle stopped there; Harish, Dinesh, 2-3 women of their family and brother-in-law of Harish, who were present there, grappled with police team and extended threats to kill them. On the basis of the said complaint, the instant FIR has been registered.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present case. He submits that the instant FIR is not maintainable and is bad in the eyes of law as the prime allegations against the petitioners are that they are doing illegal sand mining from the Yamuna River banks which comes under the ambit of Mines and Minerals (Development and Regulation) Act, 1957 and as per Section 22 of the said Act, the instant



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FIR should have been lodged only on the written complaint made by the authorized person by the State Government/Central Government, whereas the same has been registered on the complaint of ASI. He further submits that no recovery is to be effected from the petitioners and their custodial interrogation is not required. He also submits that the petitioners are ready to join the investigation.

5. Per contra, learned State, while referring to the averments made in the status report, has vehemently opposes the prayer for grant of anticipatory bail to the petitioners on the ground that the allegations against the petitioners are serious in nature and their custodial interrogation is required for thorough investigation of the case and for obtaining information about the other accused. He further submits that the antecedents of the petitioners are also not clean as petitioner No.1-Harish Nagar is involved in 01 another case and petitioner No.2-Janesh @ Dinesh is involved in 02 other cases, therefore, they do not deserve the concession of anticipatory bail.

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

7. As per law laid down by the Hon'ble Supreme Court in ***State of Madhya Pradesh Vs. Pradeep Sharma : (2014) 2 Supreme Court Cases 171***, power exercisable under Section 438 of Code of Criminal Procedure, 1973 (now Section 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023) is somewhat extraordinary in character and it is to be exercised only in exceptional cases, where it appears that the person may be falsely implicated or where there are reasonable grounds

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for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty.

8. As per the prosecution, on 08.01.2026, ASI Shamsheer Singh received information from Rider No.20 that he caught a tractor with trolley filled with Yamuna sand on Pusta Road, Village Mahawatpur, Faridabad and the driver of said tractor-trolley and some other persons caused hindrance in taking away the said tractor-trolley. When ASI Shamsheer Singh along with other police officials reached at the spot, Rider No.20 SPO Puran Singh and SPO Diwan Singh met them and they found both the petitioners sitting in a Wagon-R car bearing registration number HR-51CK-5014. When police tried to explain them the legal position, petitioner No.2-Janesh @ Dinesh started the tractor and fled from the spot. When police officials followed him then, petitioner No.1-Harish Nagar stopped his car in front of the Govt. vehicle in order to block their way and thereafter, they took the said tractor-trolley near to their house inside boundary wall in village Nacholi. When the Govt. vehicle stopped there; both the petitioners along with some other persons (including 2, 3 women of their family) grappled with the police team and extended threats to kill them.

9. The allegations against the petitioners are serious in nature. The petitioners are the owners of the tractor-trolley and they have employed accused-Sukhdev as driver of the said tractor. On the instructions of the petitioners, accused Sukhdev loads sand from the Yamuna in the tractor-trolley and delivers the same to the persons as told by the petitioners. Custodial interrogation of the petitioners may



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provide some information leading to discovery of the material facts. Curtailing of their freedom is necessary in order to enable the investigation to proceed without hindrance and to protect witnesses at this stage. Reliance can be placed upon the Hon'ble Supreme Court dictum passed in *Prem Shankar Prasad Vs. State of Bihar and another : 2021(4) RCR (Crl.) 598* and *Anil Kumar Singh @ Anil Singh and others Vs. High Court of Judicature at Patna through its Registrar General and another : (2020)19 Supreme Court Cases 364* whereby the Hon'ble Apex Court had denied the concession of anticipatory bail in view of the gravity of offences and the conduct of the petitioner.

10. So far as the contention of learned counsel for the petitioner that the instant FIR is not maintainable as the alleged offence falls under Mines and Minerals (Development and Regulation) Act, 1957 is concerned, the petitioners have not only committed offence of illegal mining of sand from the river banks but they have also obstructed the police officials from doing their official duty; they along with their family members manhandled with the police and gave threats to kill them. Hindering or obstructing police proceedings in itself is a serious offence.

11. Moreover, the antecedents of the petitioners are also not clean. Petitioner No.1-Harish Nagar is also involved in one more case i.e. FIR No.71 dated 17.06.2025 registered under Sections 115, 351(3) & 79 of Bharatiya Nyaya Sanhita, 2023 at Police Station Bhupani, Faridabad and petitioner No.2 Janesh @ Dinesh is involved in two other



cases i.e. FIR No.87 dated 15.03.2018 registered under Section 25 of the Arms Act, 1959 at Police Station Khedipul, Faridabad and FIR No.288 dated 12.11.2022 registered under Sections 148, 149, 323, 341, 325 & 506 of Indian Penal Code, 1860 at Police Station Tigaon, Faridabad.

12. No other point has been argued.
13. In view of the facts and circumstances of the case, I am of the considered view that the petitioners cannot *prima facie* be said to have been falsely enroped in the crime, since they have manhandled with the police and obstructed them from doing their official duty and after considering the criminal history of the petitioners and the nature of allegations, this Court is of the opinion that the custodial interrogation of the petitioners is necessary in the case and that petitioners may abscond and misuse their liberty, therefore, they do not deserve the concession of anticipatory bail.
14. In view of the above, the petition is dismissed.
15. However, nothing stated hereinabove shall be construed as a final expression of opinion on the merits of the case.

18.02.2026
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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No