



CRM-M-9577-2026

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

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Bahadur Singh

....Petitioner

V/s

State of Punjab

....Respondent

Date of decision: 21.04.2026**Date of Uploading : 22.04.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. H.S. Bariana, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail in case bearing FIR No.14 dated 22.01.2026, registered for the offences punishable under Sections 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 at Police Station Bullowal, District Hoshiarpur.

2. As per the prosecution case, the FIR was registered on the basis of a complaint submitted by the Mining Inspector, Sub Division Hoshiarpur. It has been alleged that on 22.01.2026, acting upon a complaint regarding illegal mining and sale of minor minerals, a joint inspection was conducted by the mining department along with the police at Village Sikri, District Hoshiarpur. During the course of inspection, a dump operating under the

name and style of Sehaj Thiara Building Material was found at the site.



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Approximately, 4000 cubic feet of river sand and 2500 cubic feet of crusher gravel (bajri) were found stored. The petitioner was not present at the spot, however, upon inquiry from co-villagers, it allegedly came to light that the said dump was being operated by Bahadur Singh (petitioner herein). It is further the case of the prosecution that no such dump was registered with the mining department thereby constituting an offence under Section 21(1) of the Act. On these set of allegations, the FIR in question has been registered.

3. Learned counsel for the petitioner has iterated that the petitioner is a law-abiding citizen with a clean antecedent and has been falsely implicated into the FIR in question. Learned counsel has further iterated that the allegations levelled in the FIR are baseless, vague and unsupported by any cogent or direct evidence connecting the petitioner with the alleged offence. According to learned counsel, the petitioner is a *bona fide* businessman engaged in the business of building materials under the name and style of Sehaj Thiara Building Material which is duly registered under the GST Act. It has been contended that the implication of the petitioner is solely on the basis of hearsay statements of co-villagers which is inadmissible or reliable evidence. It has been further contended that the petitioner was not present at the spot at the time of the alleged inspection and no recovery has been effected from his conscious possession. Furthermore, the entire case rests upon the documentary evidence and site inspection already conducted and hence the custodial interrogation of the petitioner is not required. Learned counsel has further contended that the



petitioner has deep roots in society; is a permanent resident and there is no likelihood of his absconding or fleeing from justice in case he is enlarged on pre-arrest bail. On strength of aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the petitioner is directly involved in running an unauthorized dump of minor minerals on a commercial scale without obtaining the mandatory permission from the competent authority under the Mines and Minerals (Development and Regulation) Act, 1957. Learned State counsel has iterated that during the joint inspection conducted by the mining authority(s) alongwith the police, a substantial quantity of river sand and gravel (crusher bajri) was recovered from the site operating under the name and style of Sehaj Thiara Building material. According to learned State counsel, though the petitioner was not present on the spot, his identity as the operator of the said dump surfaced during local verification and the petitioner has not denied his association with the said business. It has been further submitted that the GST registration relied upon by the petitioner does not authorize him to store or trade in minor minerals without obtaining a valid license/permit from the mining department. Furthermore, the investigation is still at a nascent stage and several crucial aspects, including the source of the minerals, extent of the illegal storage and possible involvement of other persons, are yet to be unearthed for which the custodial interrogation of the petitioner is necessary. It has submitted that in case the petitioner is granted the



concession of pre-arrest bail, at this stage, it may impede the ongoing investigation. Accordingly, a prayer has been made for the dismissal of the instant petition.

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

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The allegations against the petitioner are that he was running a dump of river sand and crusher gravel in the area of village Sikri without obtaining mandatory permission from the mining department. During the course of inspection, substantial quantity of minor minerals was recovered from the site being operated under the name Sehaj Thiara Building Material Haryana Road, Bullowal Sikri Hoshiarpur. Though the petitioner was not present at the spot but his name has surfaced during local verification. At this stage, this Court cannot ignore the fact that the petitioner himself is stated to be dealing with minor minerals on a commercial scale. The nature and quantity of material recovered indicate an organized activity which requires investigation to ascertain the legality of procurement, storage and sale. The investigation is still at an initial stage. The possibility of unearthing further material, including the source of minerals and extent of alleged illegal operations, cannot be ruled out. The exact nature and extent of the involvement of the petitioner requires deeper investigation for which custodial interrogation of the petitioner may be necessary/essential. The grant of anticipatory bail at this stage may hamper the investigation.



7. It is befitting to mention here that while adjudicating the plea for grant of bail a meticulous evaluation of several pivotal factors is necessary. The contention that the case is purely documentary in nature does not persuade this Court as the investigating agency is yet to verify multiple aspects of the alleged offence. In the considered opinion of this Court, the grant of bail at this stage may impede the ongoing investigation. Furthermore, the Court below while declining the plea of anticipatory bail has observed that the absence of requisite permission from the mining department coupled with the scale of operation necessitates thorough investigation. Moreover, no cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that in the instant case, the allegations against the petitioner, as emerging from the FIR and material placed on record, are that he was running a dump of minor minerals i.e. river sand and gravel (crusher bajri) without obtaining the requisite permission or registration from the mining department as mandated under the Mines and Minerals (Development and Regulation) Act, 1957. It is alleged that on 22.01.2026, a joint inspection was conducted by the Mining Inspector alongwith the police officials, during which approximately 4000 cubic feet of river sand and 2500 cubic feet of crusher bajri/gravel were found stored at the site. The investigation is at nascent stage. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon



with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

8. In view of the gravity of the allegations, the nature of the offence and the requirement of the custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the



petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

9. In view of the prevenient ratiocination, it is ordained thus:
- (i) The instant petition is devoid of merits and is hereby dismissed.
 - (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
 - (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 21, 2026
Ajay

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