



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

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**CRM-M No.11861 of 2026
Date of decision : 23.4.2026
Date of uploading : 24.4.2026**

Gaurav Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ankur Mittal, Senior Advocate with
Mr. Varindr Pal Mithewal, Advocate, for the petitioner

Mr. Jaypreet Singh, DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. 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 petitioner in case FIR No.213 dated 5.12.2025 under Sections 21(1), 4(1) of Mines and Minerals (Regulation and Development) Act, 1957, registered at Police Station Nangal, District Roopnagar.
2. The gravamen of the FIR in question is that on a complaint made by J.E. Yograj regarding illegal mining in the area of village Harsa Bela, near Satluj river, the police party took into possession 3 tippers, loaded with RMB, and 01 poclain machin. 2 empty tippers were also parked on the spot.



3. Learned senior counsel for the petitioner has argued that the petitioner is in custody since 10.2.2026. Learned senior counsel has further submitted that, assuming *arguendo*, the prosecution version is taken to be correct, the petitioner's tipper/poclain was seized but no mining is actually taken place. Learned senior counsel has further submitted that the petitioner is a man aged 35 years and is the sole bread earner of his family. Learned senior counsel has further submitted that challan, upon culmination of investigation, already stands filed. Thus, regular bail is prayed for.

4. Learned State counsel has filed status report dated 1.4.2026, which is on record. Raising submissions in tandem with the said status report, learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 22.4.2026 in Court, which is taken on record.

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

6. The petitioner was arrested on 10.2.2026 wherein after investigation was carried out; challan was prepared on 10.4.2026 and subsequently filed. Total 20 prosecution witnesses have been cited but none has been examined till date as the charges are yet to be framed. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised at Bar give rise to debatable issues which shall be



rationated 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 petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 22.4.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 months and 11 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his 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 petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner 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 petitioner.

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

(SUMEET GOEL)
JUDGE

23.4.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No