

2026:PHHC:034145



109

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11993-2026

Harpreet Singh

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: March 06, 2026

Date of Uploading: March 06, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Aman Deep Saini, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG Punjab.

SUMEET GOEL, J. (Oral)

Present second petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') (erstwhile Section 438 Cr. P.C.) for grant of pre-arrest/anticipatory bail to the petitioner, in case bearing FIR No.158 dated 27.12.2025, registered for the offences punishable under Sections 21(1) and 4(1) of the Mines and Minerals Act, at Police Station Nurpurbedi, District Rupnagar.

The first plea for grant of anticipatory bail was dismissed as withdraw, vide order dated 23.02.2026, with liberty to file afresh on the same cause of action after disclosing complete antecedents of the petitioner.

2. The gravamen of the allegations against the petitioner is that Yograj, J.E.-cum-Mining Inspector, Nurpur Bedi, stated that on the night of

27.12.2025, he along with the Executive Engineer was conducting checking in village Swarra. At about 02:30 A.M., they heard the sound of machinery coming from the Swan River side. When they reached the spot, they observed illegal mining activities where tippers were being loaded with raw material using a poclain machine. Upon noticing the mining team, the operators and drivers of the machinery fled from the spot, leaving behind the machine and tippers. One tipper was found loaded with raw material and the same was taken into possession.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that the petitioner is owner of one Tipper bearing registration No.PB 65 AH 3551 colour NP (Golden brown), which was allegedly found on the spot, but no material was found in the said tipper. Learned counsel has further iterated that the petitioner is the resident of adjoining village and he used to park his said tipper on the road side of the said village, from where the tipper was taken into police custody.

3.1. Learned counsel asserts that the police have not conducted a fair and impartial investigation and the inquiry conducted so far is not only incomplete, but also tainted with bias. Learned counsel has asserted that nothing is to be recovered from the petitioner. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Furthermore, the petitioner is ready to join the investigation and, hence, no

useful purpose would be served by sending him behind the bars. On the 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 offence committed by the petitioner is serious in nature. Learned State counsel has iterated that there are specific allegations against the petitioner. The petitioner is owner of one of the tippers, which was found at the spot, where illegal mining of raw materials was going on with the help of one poclain machine. Learned State counsel has also argued that the petitioner has no clean antecedents and he is involved in other FIR(s). Given the nature of the offence and no clean antecedents, there exists a substantial likelihood that the petitioner may abscond from the process of justice and/or tamper with the evidence, if he is enlarged on bail. Learned State counsel has iterated that the custodial interrogation of the petitioner is imperative for the purpose of effective and fair investigation and to unearth the case of the prosecution. On these submissions, dismissal of the present petition is entreated for.

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 prosecution case, indubitably, serious allegations have been levelled against the petitioner. As per the version put forth by the prosecution, during the night checking conducted by the mining Department on 27.12.2025 at about 02:30 AM in village Swarra, the officials found that illegal mining activities were being carried out with the help of machinery, including a poclain machine and tippers which were being loaded with raw material. On noticing the presence of the checking team, the operators and

drivers fled from the spot leaving behind the machinery and vehicles, which clearly indicates their guilty conduct and an attempt to evade lawful action. The present case involves serious allegations of illegal mining from the Swan River, which is a grave offence causing significant loss to public resources and environmental degradation.

6.1. Further, perusal of the impugned order shows that the Court below has found that the petitioner was nominated in the present case on 02.02.2026. Although the details of the three recovered tippers do not tally with the chassis and engine numbers of the tipper owned by the petitioner, the petitioner himself does not dispute that his tipper has been in the custody of the police. It has further been observed by the Court below that one of the recovered tippers was found loaded with mining material at the spot where illegal mining activities were being carried out. The petitioner has failed to furnish any plausible explanation as to how his tipper came to be present at the place from where it was seized during the night of 27.12.2025. Significantly, the petitioner has not moved any complaint or application alleging that his tipper had been stolen or taken away by some unknown person. These circumstances *prima facie* indicate the involvement of the petitioner in the illegal mining activities and create a strong suspicion regarding his complicity in the offence.

7. Indubitably, the petitioner has no clean antecedents as he is stated to have been involved in other FIR(s).

8. 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.

9. 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 interest(s). 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. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. 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 [State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039], the 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

10. Keeping in view the factual *milieu* of the case in hand; especially in view of the seriousness of the allegations of committing grave offence causing significant loss to public resources and environmental

degradation, the unexplained presence of the petitioner’s vehicle at the spot, the petitioner having no clean antecedents, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. Granting bail, at this stage, would not only undermine the administration of justice but may also embolden the accused. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

11. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
12. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 06, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No