



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

(206)

CRM-M-12188-2026

DATE OF DECISION: 20.03.2026

Madan Lal @ Madi

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Gaurav Vir Singh Behl, Advocate,
and Nr. Jugraj Singh Chauhan, Advocate,
for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

SUBHAS MEHLA, J (ORAL)

1. The petitioner has filed the instant (second) petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.08 dated 27.01.2023 registered under Section 379 of IPC and Section 21 of Mines and Minerals (Development and Regulation) Act, 1957, at Police Station Vairoke, District Fazilka.

2. Brief facts of the case are that the case pertains to allegations of illegal sand mining. ASI Pritpal Singh, while on duty, received secret information that Sandeep Singh, Madan Lal @ Maddi (present petitioner), and Lovish Kumar were involved in illegal mining using a digging machine in village Budhoke. Acting on this, the police registered the case and apprehended Sandeep Singh, while the present accused-petitioner has been evading arrest since 2023.

3. Learned counsel for the petitioner contends that the present case is false and fabricated, based on distorted and concocted facts, and the petitioner has been falsely implicated therein; that in view of the provisions



of the Mines and Minerals Act, the alleged act of excavation of sand does not attract the offence under Section 379 IPC and, at best, proceedings could be initiated only by way of a written complaint be filed by the mining officer the competent authority under the said Act; that no cognizable offence is made out from a bare reading of the FIR; that the main accused, namely Sandeep Singh, who was allegedly apprehended at the spot, has already been granted the concession of regular bail by the learned trial Court; that the petitioner's application for anticipatory bail, however, has been dismissed by the learned Sessions Judge, Fazilka. Hence, prayer for grant of anticipatory bail to the petitioner is made.

4. Learned State counsel opposes the prayer for grant of anticipatory bail and submits that the allegations levelled in the FIR clearly disclose illegal excavation and removal of sand, which amounts to theft of government property and thus attracts the provisions of Section 379 IPC; that the provisions of the Mines and Minerals Act do not bar the registration of an FIR where ingredients of a cognizable offence are made out; that the petitioner is involved in unlawful extraction of natural resources, which has serious environmental and economic repercussions. The dismissal of the anticipatory bail application by the learned Sessions Judge, Fazilka is stated to be well-reasoned and calls for no interference. It is also argued that the grant of bail to co-accused does not automatically entitle the petitioner to similar relief. Petitioner does not have clean antecedents, and is involved in 9 other cases, hence, prayed for dismissal of present bail petition.

5. Heard.



6. At this stage, this Court finds that the allegations in the FIR *prima facie* disclose the commission of cognizable offences, including theft of sand, which cannot be said to be excluded merely by virtue of application of provisions of the Mines and Minerals Act. The contention of the petitioner that no cognizable offence is made out is, therefore, not tenable.

7. Considering the nature and gravity of allegations; petitioner having criminal antecedents and without expressing any opinion on the merits of the case, this Court is not inclined to grant the concession of anticipatory bail to the petitioner.

8. Accordingly, the present petition is dismissed.

20.03.2026
mamta

(SUBHAS MEHLA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No