



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-13173 of 2026

Date of Decision: 29.04.2026

Sarabjeet Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Tarun K. Sharma, Advocate
for the petitioner(s).

Mr. Eklavya Darshi, Deputy Advocate General,
Punjab, for the respondent.

Surya Partap Singh, J.

1. This petition for anticipatory bail is the first petition filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No. 190 dated 08.08.2025, for the commission of offence punishable under Section(s) 303(2) of 'the Bharatiya Nyaya Sanhita, 2023' and Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 Police Station Sadar, Faridkot, District Faridkot, Punjab.
2. Vide order dated 11.03.2026, the petitioner was admitted to interim anticipatory bail, subject to the condition of furnishing bonds to the satisfaction of arresting officer. It was also directed that the petitioner shall join the investigation.
3. The learned State Counsel has filed reply. The same be taken on record.
4. Heard.

5. It has been submitted by learned counsel for the petitioner that in compliance with order dated 11.03.2026, the petitioner has already joined the investigation, and that nothing has been left to be recovered from the possession of petitioner. In view of above, the learned counsel for the petitioner has requested that the order dated 11.03.2026 be made absolute.

6. The learned State counsel has controverted the above-mentioned arguments. It has been contended by learned State counsel, on the instructions of 'ASI Sukhwinder Singh' that in the present case, custodial interrogation of the petitioner is required as the Tractor used in the commission of offence is, yet, to be recovered.

7. The record has been perused carefully.

8. Keeping in view the facts & circumstances of the present case, in my opinion, following are the relevant factors which are supposed to be taken into consideration:-

- i) that the petitioner is not the owner of the machine;
- ii) that the benefit of interim anticipatory bail was accorded to the petitioner by the learned Additional Sessions Judge Faridkot;
- iii) that the maximum punishment prescribed for the commission of above-mentioned offence is imprisonment upto five years;
- iv) that as per law laid down by the Hon'ble Supreme Court of India in the case of "Sanjay Sharma v. State of Haryana" [Criminal Appeal No. 767 of 2026, decided on 09.02.2026], collection of evidence is the responsibility

of the Investigating Officer, and that an accused cannot be compelled to self-incriminating himself;

- v) that the investigation and trial are not likely to be concluded in near future;
- vi) that nothing has been left to be recovered from the possession of petitioner;
- vii) that custodial interrogation of the petitioner is not likely to produce a fruitful result;
- viii) that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
- ix) that there is nothing on record to show that while on anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- x) that there is nothing on record to show that while on anticipatory bail, the petitioner will not participate/cooperate in the investigation.

9. Keeping in view the aforesaid submissions and the fact that the petitioner has already joined the investigation, it is hereby ordered that the petitioner is entitled for anticipatory bail. Hence, the present petition is hereby **allowed** and the order dated 11.03.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

(Surya Partap Singh)
Judge

April 29, 2026
“DK”

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