



106

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

CRM-M No.26558 of 2026

Date of Decision: 11.05.2026

Harbhajan Singh @ Manni and another**.....Petitioners****Versus****State of Punjab****...Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ***********

Present: Mr. A. S. Khosa, Advocate
for the petitioner.

***********RAJESH BHARDWAJ, J.**

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.40, dated 01.04.2026, under Sections 21(1) of Mines and Minerals (Development and Regulation) Act, registered at Police Station Chabbewal, District Hoshiarpur. Further prayer has been made for granting ad-interim protection to the petitioner by way of direction to the investigating agency to join him investigation and for staying the arrest of the petitioner during the pendency of the present petition.

2. Succinctly, the facts of the case are that FIR in the present case was got registered on the information received through telephone on 01.04.2026 regarding the illegal mining in the choe of village Bajrawar



and in case of raid, the accused could be apprehended. It was alleged that on receiving the information, the raiding party was constituted and reached the place as disclosed in the information. One tractor trolley of blue colour model Sonalika having Chassis No.KYBDE 45875383 and another tractor mark Swaraj bearing registration No.PB-08-EG-7793, on which one bucket was hanging, were found there. One driver of the tractor, namely, Rajiv Kumar was apprehended on the spot whereas the another driver of the tractor, on seeing the police party, ran away from the spot. Driver of the tractor, namely, Rajiv Kumar, who was apprehended on the spot, disclosed the names of driver of another tractor to be Mani, i.e. petitioner No.1 and owner of the tractor mark Swaraj to be Sanjiv Kumar @ Baba, i.e. petitioner No.2. Thus, the request was made to take legal action against them by Amninder Singh, JE-cum-Mining Incharge. On registration of the FIR, the investigation commenced. Apprehending their arrest, the petitioners approached the Court of learned Additional Sessions Judge, Hoshiarpur praying for the grant of anticipatory bail. However, after hearing both the sides, finding no merit in the same, the learned Additional Sessions Judge, Hoshiarpur dismissed the bail applications filed by both the petitioners vide separate orders dated 04.05.2026. Hence being aggrieved, the petitioners are before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioners has vehemently contended that the petitioners have been falsely implicated in the present



case. He has submitted that the petitioners were not present at the spot, however, they have been implicated in the present case, on the basis of disclosure statement of co-accused, namely, Rajiv Kumar, which is not even an admissible evidence. He has submitted that no recovery has been effected from the petitioners. He has submitted that petitioner No.2, namely, Sanjeev Kumar @ Baba is not the owner of the either tractor. He has submitted that the recovery of tractor and trolley has already been effected in the present case and nothing has been recovered from the petitioners. To buttress his arguments, learned counsel for the petitioners has relied upon the decision passed by Hon'ble the Supreme Court in '*Siddharam Satlingappa Mhetre vs. State of Maharashtra and others*', 2011(1) RCR (Criminal). He has submitted that except the disclosure statement, there is no evidence against the petitioners. He has submitted that the petitioners are ready to join the investigation. He has submitted that in the facts and circumstances of the case, no *prima facie* case as alleged against the petitioners is made out and, thus, they deserves to be granted the concession of anticipatory bail.

4. Notice of motion.

5. On asking of the Court, Mr. K. D. Sachdeva, DAG, Punjab appears and accepts notice on behalf of the respondent-State. He has opposed the submissions made by learned counsel for the petitioners. He has submitted that complicity of the petitioners has been *prima facie* established during the investigation on the basis of disclosure statement of co-accused, namely, Rajiv Kumar. He has submitted that petitioner



No.1, namely, Harbhajan Mann @ Manni was the driver of the tractor and petitioner No.2, namely, Sanjeev Kumar @ Baba was known to be the owner of the same tractor, on which the work of illegal mining was done. He has further submitted that petitioner No.2, namely, Sanjeev Kumar @ Baba is involved in two other cases. He has submitted that there are direct allegations against the petitioners. He has submitted that the investigation is at the initial stage and at this stage, the contentions raised by learned counsel for the petitioners are irrelevant for the consideration of anticipatory bail. He has thus submitted that no case for the grant of anticipatory bail to the petitioners is made out and thus, the present petition, being devoid of merit, deserves to be dismissed.

6. Heard.

7. On hearing of learned counsel for the parties and perusing the record, it is deciphered that the present FIR has been lodged on the information received through telephone regarding the illegal mining in the choe of village Bajrawar. Complicity of the petitioners in the present case has been *prima facie* established during the investigation. The allegations made against the petitioners in the FIR are that petitioner No.1, namely, Harbhajan Mann @ Manni, who was said to be the driver of the tractor, whereas petitioner No.2, namely, Sanjeev Kumar @ Baba, who was said to be the owner of the tractor, were doing the business of illegal mining in the choe of village without any permission. Petitioner No.1, namely, Harbhajan Mann @ Manni managed to escape from the spot, however, both the petitioners were nominated in the present case on



the basis of disclosure statement of co-accused, namely, Rajiv Kumar, who was apprehended on the spot. There are direct and serious allegations made against the petitioners. Needless to say that the investigation in the present case is at the initial stage and, thus, this Court in the attending facts and circumstances, finds no ground to grant the concession of anticipatory bail to the petitioners in the present case.

8. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*



9. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state"*



are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.”

10. The Hon'ble Supreme Court in ***State Vs. Anil Sharma, (1997) 7SCC 187***, held as under:-

“6. *We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable 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.”

11. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioners has been prima facie found. Allegations made against the petitioners are serious in nature and in the facts and circumstances, custodial interrogation of the petitioners would be essential and granting anticipatory bail to the petitioners at this stage would scuttle the ongoing investigation.

12. In view of the overall facts and circumstances of the case, the petitioners do not qualify for the grant of anticipatory bail and thus, the present petition, being devoid of any merit, is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

11.05.2026

rittu

**(RAJESH BHARDWAJ)
JUDGE**

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