



CRM-M-48263-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-48263-2025

Decided on:25.03.2026

Dharam Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Satya Veer Singh, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana.

SANJAY VASHISTH, J.

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station
Dharam Singh, aged about 41 years	1190	25.07.2025	21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and 303(2) of BNS	HSENB, Ambala

2. After hearing learned counsel for the petitioner on 01.09.2025 following was recorded:

“1.xxx
2. Learned counsel for the petitioner, inter alia, contends that the tractor bearing registration No. HR 32G 0791, along with its attached trolley, was seized by the Mining Department on the allegation that it was being used for transporting sand. However, counsel for the petitioner submits that the vehicle was, in fact, being used for the religious purpose, specifically, for donating materials for



the construction of a Mandir at Goraksh Teela, Goga Madi village, Kalhedi.

3. *In support of this claim, learned counsel for the petitioner refers to the donation slip dated 06.04.2025 (Annexure P-3), which, according to him, evidences the bona fide of the petitioner. It is further submitted that the said donation slip has not been verified by the investigating officer from the members of the Managing Committee of the Mandir.*

4. *Learned counsel for the petitioner also points out that the vehicle in question has no prior history of being used for illegal transportation of minerals, and therefore, in the absence of repeated violations, no criminal case could have been registered. He submits that under the relevant rules, unless the vehicle, along with the mineral, is found indulging in such activity for the fourth consecutive time, registration of a criminal case is not warranted.*

In support of his contention, counsel places reliance on Rule 102 of the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012, which is reproduced herein, for reference:-

“102. Consequences of violation – *Wherever a carrier is found to be transporting any mineral, in whatever form, without a valid mineral transit pass as required under rule 98, and/ or a valid mineral transport permit as required under rule 99, he would be dealt with as under,*

(i) Where a carrier is found to be indulging in violation of the rules for the first time, the said mineral would be liable to be forfeited along with the impounding of the vehicle, which may be released only upon realisation of the payment of price of the mineral and the applicable royalty for the mineral being transported and, in addition, a fine which shall not be less than Ten Thousand rupees;

(ii) Wherever a carrier is found to be indulging in such violation for the second time, the said mineral would be liable to be forfeited along with the impounding of the vehicle for a minimum period of three days and released only upon realisation of the payment of price of the mineral and the applicable royalty for the mineral being transported and, in addition, a fine which shall not be less than fifteen thousand rupees;

(iii) Wherever a carrier is found to be indulging in such violation for the third time, the said mineral would be liable to be forfeited alongwith the impounding of the vehicle for a period of minimum ten days, and for relase shall entail payment of



price of the mineral and the applicable royalty for the mineral being transported and, in addition, a fine which shall be twenty five thousand rupees;

(iv) Wherever a carrier is found to be indulging in such violation for the fourth time or more, the officer concerned shall register an FIR and handover the carrier along with the mineral to the police. The penalty, fine and punishment for the offence shall beas provided under Section 21 of the Mines & Minerals (Development & Regulation) Act, 1957.”

5. *Since the vehicle was apprehended along with the minerals for the first time, petitioner is willing to pay the price of the minerals and the applicable royalty, along with any fine that may be imposed, as per the provisions of the applicable rules. Moreover, petitioner is ready to join the investigation and fully cooperate, if protected from arrest by this Court. Thus, prays for grant of concession of anticipatory bail to the petitioner in the present case.*

6. *Notice of motion.*

7. *On advance notice, Mr. Kanwar Sanjiv Kumar, AAG, Haryana, puts in appearance on behalf of the respondent – State, and seeks some time to file status report in the matter.*

8. *Adjourned to 03.11.2025.*

9. *Let the submissions made by learned counsel for the petitioner be examined by learned State counsel, and thereafter, if required, petitioner shall be informed of the decision taken in this regard, at least one week prior to the next date of hearing.*

10. *Meanwhile, petitioner shall not be arrested. However, issue of joining of investigation by the petitioner would be examined on the next date of hearing, after reviewing the status report, which is yet to be filed by learned State counsel.”*

3. Noticing the contentions recorded in the order dated 01.09.2025 (supra), this Court is of the view that petitioner need not be subjected to custodial interrogation at this stage. Accordingly, present petition is allowed, and petitioner is directed to join the investigation within two weeks from today or as and when called by the Investigating officer concerned. In the event of his arrest, petitioner shall be released on bail, subject to his furnishing bail bonds to the satisfaction of the

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Arresting Officer. Petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023.

However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

4. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

March 25, 2026
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**