

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1147-2017

Date of decision: 01.02.2017

Sahabuddin

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mohd. Arshad, Advocate for the petitioner.

Jitendra Chauhan, J. (Oral)

This is a second bail application of the petitioner under Section 438 of the Code of Criminal Procedure in FIR No.190 dated 23.08.2016 registered under Sections 379 and 188 of the Indian Penal Code and Section 4 of Prevention of Damage to Public Property Act, 1984 at Police Station City Ferozepur Jhirka, District Mewat. The first one was dismissed as withdrawn with liberty to take recourse to the other remedies available to him.

Learned counsel for the petitioner cites “*Jagjit Singh Vs. State of Punjab*”, 2014(5) *Law Herald* 4503. The petitioner allegedly had been carrying out the illegal mining close to the boundary of the State of Haryana and Rajasthan. However, counsel for the petitioner contends that the petitioner was not present at the time of inspection.

Heard.

As per allegations, the petitioner is involved in illegal mining and he has encroached upon the area of Haryana Border in village Rawa.

The petitioner has allegedly resorted to mining in the area covered by the

orders passed by Hon'ble the Supreme Court to protect the natural order. The petitioner is a lease holder. The tools, machines and vehicles used in mining are yet to be recovered.

Keeping in view the serious nature of offence and the order passed by this Court in CRM-M-42807-2016, no case for grant of concession of anticipatory bail is made out.

Consequently, bail application stands dismissed.

Anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(JITENDRA CHAUHAN)
JUDGE

February 01, 2017
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No