

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

CRM-M-3930 of 2017

Date of Decision: February 09, 2017

Islam and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sunil K. Nehra, Advocate
for the petitioners.

Mr. Deepak Sabherwal, Addl. A.G. Haryana.

FATEH DEEP SINGH, J.

The allegations against the petitioners in this anticipatory bail application under Section 438 Cr.P.C. are that on the intervening night of 19-20th September, 2016 the complainant Inspector Vipin Kumar came across 03 tractor trolleys carrying stones alleged to be excavated by illegal mining and when he tried to stop them the drivers fled away by leaving the vehicles which are registered in the name of the petitioners.

The contentions of the learned counsel for the petitioners that the petitioners have already sold these vehicles to Salim and it is the Salim who holds the power of attorney and has moved the trial Court for release of the vehicle and, thus, the petitioners have no role to play and that nothing is to be recovered from them.

Learned State counsel has stoutly opposed the grant of bail to the petitioners on the ground that the petitioners are running mining mafia in the area and the fact that they are the registered owners of the vehicles is reflective of the complicity and are not entitled to any relief.

Appreciating the submissions, learned counsel for the petitioners admits the registered ownership of the vehicles being in the name of the petitioners. Mere having power of attorney of the vehicles does not vests in the holder of such an attorney the ownership rights as it is the settled law that the same vests in the registered owner which admittedly are the petitioners. Since such mining mafia are denuding the State of its natural wealth and are destroying flora and fauna including environment thus needs to be taken seriously. More so, custodial interrogation of the petitioners certainly needs to be undertaken to unearth the entire nexus and that the provisions of Section 438 Cr.P.C. are to be sparingly used. Thus, no ground to grant bail to the petitioners is made out.

Dismissed.

(FATEH DEEP SINGH)
JUDGE

February 09, 2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No