

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

**CRM-M No.15570 of 2018  
Date of Decision: 24.04.2018**

**Shaukat Ali**

**.....Petitioner**

**Vs**

**State of Punjab**

**.....Respondent**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Liaqat Ali, Advocate  
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

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**RAJ MOHAN SINGH, J.(Oral)**

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.9 dated 13.03.2018 registered under Sections 379, 411 IPC and Section 21(1) of Mines and Mineral Act at Police Station Garhdiwala, District Hoshiarpur.

FIR in question was registered on the basis of raid/checking conducted by the police, where JCB and a tractor trolley doing mining work were apprehended. Driver of the JCB was found to be Sarajudin, whereas driver of the tractor trolley was found to be petitioner.

Learned counsel for the petitioner submitted that Mines

and Minerals (Regulation & Development) Act 1957 is a complete code, wherein for the offence under Section 21 of the Mines and Minerals (Development & Regulation) Act 1957, no FIR can be lodged. The Court can take cognizance of the offence only on the complaint in writing made by a person authorized in this behalf. Learned counsel referred to **Harmela Ram Vs. State of Haryana, 2013(3) RCR (Criminal) 141** and **Jagjit Singh Vs. State of Punjab, 2014(3) RCR (Criminal) 562**, wherein it was observed that FIR cannot be recorded for the offence punishable under Section 21 of the aforesaid Act.

At this stage, without meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate Hoshiarpur.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

April 24, 2018.

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**(RAJ MOHAN SINGH)**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No