

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

CRM-M-27734-2018

Date of Decision: 27.07.2018

Rizwan

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Ashok Kumar Khubbar, Advocate
for the petitioner.

Mr. R.K. Doon, A.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner is seeking anticipatory bail under the provisions of Section 438 Cr.P.C. in case FIR No.56 dated 8.4.2018 under Sections 21 (1) Mines and Minerals Act, 1957 and Section 379 IPC registered at Police Station Khizrabad, District Yamuna Nagar.

2. Present FIR is arising out of illegal mining in village Kanyawala. When the officials of the Mines Department inspected the site at village Kanyawala on 20.3.2018 at about 1:30 P.M., they found that six tractor trolleys loaded with mine which was illegally drawn at village Bhilpura river area. Due to administrative reason having regard to the number of tractor, officials of the department could not get it seized with the assistance of Police. On the other hand, engine numbers of the tractors have been noted down. Thereafter, necessary report has been made to the Jurisdictional Police for taking action on 4.4.2018. Thus, FIR has been registered on 8.4.2018.

3. Learned counsel for the petitioner submitted that there is a delay in lodging of FIR. By merely mentioning of some tractors number, there is threat of arresting the petitioner. Prima facie, no case is made out by the respondents so as to deny the concession of anticipatory bail to the

petitioner.

4. Learned State counsel submitted that out of 6 Tractor, Item No.5 is relating to the petitioner. It is not disputed by him. Two accused who are owners of different tractors have been arrested and remaining accused are yet to be arrested including the petitioner. Petitioner's vehicle is involved in illegal mining. Therefore, he is not entitled for anticipatory bail.

5. Heard learned counsel for the parties.

6. Undisputed facts are that one of the Trolley which is stated in the FIR is belonging to the petitioner. Even though it is not seized by the Mines Department or Police on 20.03.2018 but that does not give any benefit to the petitioner so as to extend the benefit of anticipatory bail. No doubt there is delay in lodging of FIR but it is to be noted that for the purpose of lodging of FIR in such of those cases like the present one, internal communications between the two departments is necessary like Mines Department would communicate to the Police Department after due examination of number of Tractors Trolley and all. Department has taken a decision to communicate to the Police Department. Thus, delay would not be a hurdle.

7. In view of these facts and circumstances, petitioner is not entitled to anticipatory bail.

8. Accordingly, petition stands dismissed.

27.07.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**