

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

CRM M-27218 of 2017 (O&M)

Date of decision : 28.02.2018

Varinder Singh

....Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gurcharan Dass, Advocate for the petitioner.

Mr. C.L. Pawar, Sr. DAG Punjab.

Mr. B.S. Sidhu, Advocate for the complainant.

RAJAN GUPTA J.

Petitioner seeks concession of pre-arrest bail in a case registered against him under sections 409 IPC and 21 of the Mines and Minerals (Development and Regulation) Act, 1957 vide FIR No. 124 dated 10.05.2017 at police station Dakha, District Ludhiana (Rural). FIR was lodged by Block Development and Panchayat Officer, Sudhar. He alleged that accused had illegally mined the shamlat soil and consideration (i.e. ₹27,18,750/-) had been deposited in his personal account. Before carrying out the activity, petitioner did not seek any sanction from the authority. The amount was deposited by him in his HDFC Bank branch at Mullanpur. During the hearing, it was urged before the court that the petitioner is a victim of a cross-case registered by him under section 307 IPC and section 25 of the Arms Act at police station Dakha against Gobinder Pal Singh, (Ex-Sarpanch) of the village. As a result of the amount realised due to sale of

soil, number of development works were carried out in the village by the petitioner. He has been unnecessarily dragged in the controversy.

I have considered the plea raised by the petitioner. It is however, inexplicable why the money realised as a result of sale of shamlat soil was deposited by the petitioner in his own account. In case petitioner was concerned about the development of the village, the amount in question ought to have been deposited in the account maintained by the Gram Panchayat. The very fact that petitioner carried out the mining without any permission and deposited the sale proceeds in some personal account shows his complicity in the crime. He is, thus, not entitled to concession of pre-arrest bail. Petition is without any merit and is hereby dismissed.

As the main petition has been dismissed on merits no order needs to be passed in the accompanying application.

February 28, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No