

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

**Crl. Misc. No.M-12065 of 2019 (O&M)
Date of Decision: July 10, 2019**

Bakshish Singh

.....PETITIONER(s).

VERSUS

State of Haryana

...RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. J.P. Jangu, Advocate for
Mr. Vivek Goyal, Advocate
for the petitioner (s).

Ms. Dimple Jain, A.A.G. Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.25 dated 22.01.2019 registered for the offences punishable under Sections 379 of Indian Penal Code and 21(4) of Mines and Minerals (Regulation of Development) Act, 1957, at Police Station Chandimandir, Panchkula.

Heard.

Learned counsel for the petitioner submits that FIR was registered on the complaint by Ram Kumar. As per Section 22 of Mines and Minerals (Regulation of Development) Act, 1957, the court cannot take cognizance of any offence punishable under this Act or any rules made

thereunder except complaint in writing made by a person authorised in this

behalf by the Central Government or the State Government.

Learned State counsel on instructions from SI Bachchu Singh submits that complaint in this case was made by Mr. Deepak Kumar, Senior Mining Officer, who is authorised person under the Act. On receipt of information, police could record FIR under Section 154 Code of Criminal Procedure. The police has not initiated any action on the complaint of Ram Kumar. In fact, Ram Kumar made complaint to competent authority and the authorised person filed complaint against the petitioner to police. The petitioner is involved in illegal mining and two more complaints and one more FIR are pending against him on the similar allegations. The vehicle used for illegal mining has also not been recovered so far.

It is evident that the FIR in this case was not registered on the complaint of Ram Kumar but on the complaint of Deepak Kumar, Senior Mining Officer, who is stated to be authorised person under the Act. Illegal mining is a menace, which the Society and State are facing. This is not only resulting in loss of revenue to the Exchequer but is also causing damage to the environment and ecology. The provisions of Section 438 Cr.P.C. are intended to protect the people from misuse of process of law and not to benefit the person, who indulged in illegal activities and whose conduct being in conflict with law call for a lot of explanation and is against norms expected from a law abiding individual. As per the allegations in the FIR, petitioner and others were indulging in illegal mining and the side of the canal adjoining village Aasre and threatening the persons, who were objecting to their illegal act.

Keeping in view the gravity of offence, nature of allegations

against the petitioner and his involvement in many cases, I do not find it a fit case to exercise the discretionary power of this Court to extend the benefit of anticipatory bail to the petitioner.

This petition has no merits. Dismissed.

July 10, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***