

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

(Sr. No. 210)

CRM-M-20003-2019

Date of Decision: 22.08.2019

Alam Khan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Akshay Bansal, Advocate, for the petitioner.
Mr. Surinder Singh, AAG, Haryana

Amol Rattan Singh, J. (Oral)

Learned counsel for the petitioner has produced in Court what is stated to be an “*Ikrarnama*-cum-rent agreement”, as regards the vehicle owned by the petitioner, bearing registration no.HR68-B-6484, shown to be a “tipper”, which as per the said document (in Hindi) has been leased out by the petitioner to Rajesh Kumar (petitioner in CRM-M-18364 of 2019), the said agreement shown to be dated 01.04.2019.

The contention therefore is that even if the petitioners' vehicle was recovered from the spot where illegal mining is stated to have been taken place (as per the case of the investigating agency), the petitioner cannot be blamed for it.

Learned State counsel however reiterates today that other than the present case, there are three other cases registered against the petitioner for the commission of offences punishable under Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957, with two cases registered under the same provisions at Police Station Barotiwala, District Solan, Himachal Pradesh and he having been imposed a fine of Rs.27,000/- in one case and Rs.50,500/- in another case, in the years 2017 and 2018.

However, in rebuttal, learned counsel for the petitioner submits that as regards the case registered at Solan, the petitioner has already been acquitted two years ago.

Even that being so, the petitioner having simply produced in Court today an agreement with Rajesh Kumar (who is also a petitioner in CRM-M-18364-2019 being an accused in the same FIR), further looking at the petitioner's background and the fact that he admittedly owns four vehicles that have been apprehended being used in illegal mining, which had been taken into custody by the police (as per the case of the investigating agency), I see no reason as to why he should be granted the concession of anticipatory bail, with an offence punishable under Section 379 of the IPC also stated to have been committed.

Consequently, this petition is dismissed, with interim order dated 03.05.2019 vacated.

However, it is made clear that all observations made by this Court in this petition would be taken to be only in the context of this petition seeking anticipatory bail and not on the merits of the case, for or against the petitioner.

August 22, 2019
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(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No