

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

CRM-M-7496-2020

Date of decision: 25.02.2020

Pushpa

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vikram Singh, Advocate for the petitioners.

Mr. Rakesh Nehra, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 28 dated 05.02.2020 registered under Sections 379 IPC, and Sections 4(1), 4(1)(a) and 21(1) of Mines and Mineral (Development and Regulation) Act, 1957 and Section 3 of Prevention of Damage to Public Property Act, 1984, at Police Station Sadar Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner states that soil was taken out from the pits to put the same in the streets of the village. The petitioner, being Sarpanch, was constructing a Vyamshala and for the said purpose the earth was being dug out from the *shamlat* land of the village.

Heard.

The allegations against the petitioner are that she had dug out the sand from the *shamlat* land and fresh signs of digging were present there. The machinery was found at the spot and it was found that 2 to 5 feet deep soil had been dug out from the Panchayat land without any permission from the Block Development and Panchayat Officer. Still further, the letter dated 11.02.2020 indicates that no such permission was granted. The petitioner, being the Sarpanch of the village, is the custodian of the Panchayat land. The illegal mining of the said land would also effect the adjoining cultivable fields resulting into serious repercussions.

In view of the above, no ground is made to grant the concession of anticipatory bail to the petitioner.

Dismissed.

(HARNARESH SINGH GILL)
JUDGE

25.02.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No