

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

CRM-M-20058-2020

Date of decision:-27.7.2020

Mewa Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Prateek Pandit, Advocate for the petitioner.

Mr.Harbir Sandhu, AAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Mewa Singh, aged about 35 years, an accused in FIR No.65 dated 16.6.2020 for the offence under Section 21(1) of Mines and Minerals Act, 1957, registered with Police Station Begowal, District Kapurthala.

Briefly stated, the facts of the case as per the prosecution story are that criminal machinery in this case was set into motion by complainant Vikas Singla, J.E.- cum - Mining Officer, Bholath, District

Kapurthala, who had informed the police that he had received secret information that Mewa Singh Laddi son of Makhan Singh was engaged in illegal mining of sand in the area of village Talwandi Kuka. Therefore, the police party conducted a raid at the disclosed place on 16.6.2020 and observed a tractor trolley filled with sand coming from Mand side. It was intercepted and asked to stop. The driver of the tractor trolley disclosed his name as Mandeep Singh, further stating that he was working for Mewa Singh (present petitioner). As informed by Mandeep Singh, tractor trolley driver, the tractor trolley belonged to Mewa Singh. The trolley was found to be filled with 450 feet sand. It was seized and Mandeep Singh was arrested.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Kapurthala vide order dated 16.7.2020. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition is given to respondent – State. Mr.Harbir Sandhu, AAG, Punjab has put in appearance on behalf of respondent – State and accepts notice on behalf of respondent - State.

I have heard learned counsel for the parties besides going through the records.

The petitioner is stated to be owner of the tractor trolley, which was found indulging in transportation of sand taken out illegally. The tractor trolley driver, who was apprehended at the spot had disclosed that the tractor trolley belonged to the present petitioner. Furthermore, as

stated by learned counsel for the petitioner before the Court on 23.7.2020, three FIRs had been registered against him. Although according to him, it was so done at the behest of Sarpanch of village Mand Jhanduwal, District Kapurthala against whom the petitioner and other villagers had filed complainants with the authorities with regard to encroachment of land by him and others but as the things stand, the petitioner is involved in three FIRs as conceded by his counsel before the Court and pleaded in para No.6 of the petition.

Learned State counsel has contended that in addition to these three FIRs, the petitioner has been booked in two more FIRs. It means that the petitioner has got a past criminal record. Whether the petitioner is guilty or innocent is a matter of trial in those cases but prima facie registration of so much FIRs point out towards he being a habitual criminal.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

27.7.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No