

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

CRM-M-20411-2020

Date of Decision:-**29.7.2020**

RAM SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parampreet Singh Paul, Advocate for the petitioner.

Mr. N.K. Banka, DAG, Punjab.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual
Court)*

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.3 dated 2.1.2020 under Section 21(1) and Section 4 (1) of Mines and Mineral Act (Regulation of Development) Act 1957 at Police Station Nurpurbedi, District Rupnagar.
2. The FIR in question was lodged on the basis of receipt of information from Mining Department to the effect that Ram Singh (petitioner) is indulging in illegal mining on the land of the village with the help of his JCB machine and tractor/trolleys. Pursuant to receipt of said information Ravinder Kumar-Junior Engineer along with police officials went to the spot but somehow the persons who were indulging in illegal mining managed to escape with the help of their tractors/trolleys taking

advantage of the darkness. The land at the area was found to be dug although no permit for the same had been issued in respect of the area in question.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that although he does own one JCB machine but no JCB machine was ever recovered from the spot.
4. Opposing the petition, the learned State counsel submits that since the petitioner is specifically named in the FIR and he is also owning one JCB machine, the allegations *prima-facie* stand substantiated and in these circumstances, he does not deserve concession of bail. It has however been informed that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court. While noticing that the petitioner or his vehicle were never found at the spot, although the police is stated to have prior information and also keeping in view the that the petitioner is not stated to be involved in any other case, the petition merits acceptance and is hereby accepted. It is ordered that the petitioner in the event of his arrest shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. It is however made clear that in case the petitioner does not join investigation, it shall be open to the investigating agency to move an

application for cancellation of bail.

7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

29.7.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No