

In the High Court of Punjab and Haryana, at Chandigarh

1. Criminal Misc. No. M- 26135 of 2020

Deshraj

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

AND

2. Criminal Misc. No. M- 26441 of 2020

Harmeet Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

Date of Decision: 07.09.2020

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Rahul Arora, Advocate
for the petitioner (In CRM-M-26135-2020).

Mr. Shubham Goyal, Advocate
for the petitioner (In CRM-M-26441-2020).

Mr. Amit Mehta, Senior Deputy Advocate
General, Punjab for the respondent.

Anil Kshetarpal, J.

By this order, Criminal Misc. No. M-26135 of 2020 and
Criminal Misc. No. M-26441 of 2020 shall stand disposed of.

This Court, while examining the four petitions i.e. Criminal
Misc. No. M-22272 of 2020, Criminal Misc. No. M-22234 of 2020,
Criminal Misc. No. M-22905 of 2020 and Criminal Misc. No. M-21971 of

2020, filed for grant of pre-arrest bail in a criminal case arising from FIR No. 37 dated 26.07.2020, registered under Sections 379 of IPC and 21 of the Mines and Minerals (Development and Regulation) Act, 1957 at Police Station Arif Ke, District Ferozepur, has passed a detailed order on 01.09.2020, which is extracted as under:-.

The present petitions have been filed by six petitioners for grant of pre-arrest bail under Section 438 Cr.P.C. in a criminal case arising from FIR No. 37 dated 26.07.2020, registered under Sections 379 of IPC and 21 of the Mines and Minerals (Development and Regulation) Act, 1957 at Police Station Arif Ke, District Ferozepur.

In a nutshell, the case of the prosecution is that on the basis of an information received, the Assistant Sub Inspector along with the Mining Officer and the other police officials reached at the spot and on seeing the police party, the drivers of the vehicles ran away from the spot after leaving their respective vehicles. In all the 18 heavy duty vehicles were recovered from the spot, out of which 11 were found empty and seven were filled with sand. The vehicles were taken into possession by the police party.

The petitioners applied for grant of pre-arrest bail which were dismissed by the learned Additional Sessions Judge, Ferozepur and that is how these petitions have been filed in this Court.

Learned counsel appearing for the petitioners

contended that the petitioners have been falsely implicated in the present case due to political rivalry and they are not connected with the illegal sand mining.

Keeping in view the aforesaid assertions, the Director General of Police, Punjab was directed to file an affidavit clarifying the position. On 21.08.2020, an affidavit was filed by the Director General of Police, Punjab along with the report of the Deputy Inspector General of Police, Ferozepur Range, Ferozepur. It was reported that a huge illegal sand quarry was found. In the affidavit, even the vehicle numbers seized at the spot, were also disclosed. It was further pointed out that the records pertaining to the ownership of the aforesaid vehicles seized have been obtained and accordingly, the accused are being nominated. Certain owners of the land, where illegal sand mining was carried out, have also been nominated as accused.

Keeping in view the aforesaid facts, on 21.08.2020, the Director General of Police, Punjab was directed to file another affidavit giving the details of the investigations carried out with regard to the involvement of the owners of 18 vehicles recovered. In deference to the aforesaid order, the Director General of Police, Punjab has filed an affidavit dated 26.08.2020 along with the fresh report of the Deputy Inspector General of Police, Ferozepur Range, Ferozepur of even date. It has been pointed out that as many as 31 accused have been

nominated after identifying the owners of 16 vehicles. The ownership of the remaining vehicles is yet to be ascertained. It has further been pointed out that the accused were running illegal sand quarry with the use of heavy machinery. In para 6 of the affidavit, it has been pointed out that the directions have been issued to seize/recover Poclain/JCB Machines.

In three petitions, learned counsel for the petitioners have contended that the petitioners have no role to play and they are being falsely implicated in the present case. On careful perusal of the documents filed, it has been pointed out that the petitioners were alleged to be actively involved in illegal quarrying of the sand. The petitioner-Gurjant Singh is owner of the truck which was seized from the illegal sand mine. Learned counsel for the petitioners has contended that petitioner-Gurjant Singh runs a transport and his vehicle was taken on lease. However, no document in support thereof has been produced. From the list of vehicles produced, it is apparent that the vehicles, specifically used for transporting the sand in huge quantity, were seized.

The illegal sand mining is not only eating into the precious revenue of the Government but is also causing immense damage to the environment and ecology of the area.

Keeping in view the aforesaid facts, this Court is not inclined to grant pre-arrest bail to the petitioners. Hence, all the petitions are dismissed. The Director General of Police,

Punjab is also directed to examine the feasibility of constituting a Special Investigating Team under the supervision of an officer of the rank of Inspector General of Police from the Head Office to reach at the root of the problem and add more credibility to the investigations”.

The petitioners, in the present two petitions, are also accused in the aforesaid criminal case.

In view of the reasons given in the order dated 01.09.2020, this Court does not find it appropriate to grant the extraordinary concession of pre-arrest bail to the petitioners herein. Hence, both these petitions are dismissed.

**(Anil Kshetarpal)
Judge**

September 07, 2020
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No