

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

1. CRM-M-51071-2019 (O&M)
Date of decision : 13.01.2020

Avtar Singh ...Petitioner

Versus

State of Punjab ...Respondent

2. CRM-M-52348-2019 (O&M)
Date of decision : 13.01.2020

Ashok Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anupam Bhanot, Advocate and
Mr. Naveen Batra, Advocate for the petitioner.

Mr. Surinder Pal Singh Tinna, Additional A.G. Punjab
alongwith ASI Raj Kumar.

ANIL KSHETARPAL, J. (ORAL)

By this order, two petitions bearing CRM-M-51071-2019 and CRM-M-52348-2019 filed by the petitioners for grant of pre-arrest bail in a criminal case arising from FIR No.133 dated 02.11.2019 registered under Section 188 of IPC and Section 21(1), 4(1) of Mines and Minerals (Development and Regulation) Act, 1957 at Police Station Nurpur Bedi, District Rupnagar, shall stand disposed of.

The petitioners are alleged to be involved in illegal sand mining from the land owned by the Provincial Government. FIR was registered

after the Executive Engineer-cum-Mining Inspector alongwith concerned Patwari inspected the spot. It was found that 1319 metric tons of sand has been removed from the area of 4710 square feet.

Keeping in view the facts of the case, the petitioners in both the petitions were directed to join investigation.

Learned counsel for the State, on instructions from ASI Raj Kumar, has submitted that the petitioners are not disclosing the vehicle numbers through which the alleged illegal mined sand has been removed.

Learned counsel for the petitioners submits that the petitioners have not been found in possession of any vehicle. There are only bald allegations of the complainant-first informant against them. He further submits that no demarcation of the land has been conducted.

On the other hand, learned counsel for the State, on instructions from ASI Raj Kumar, has submitted that Revenue Official (Kanungo) has demarcated the land and found that the land comprised in Khasra No.14/17, is owned by the Provincial Government from where sand has been removed illegally.

Keeping in view the aforesaid facts, this Court is not inclined to grant the concession of pre-arrest bail to the petitioners.

Accordingly, both the petitions are dismissed.

13.01.2020

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**