

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19290-2021 (O&M)
Date of decision: 07.09.2021

Anis

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.C. Shahpuri, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.127 dated 02.05.2021 under Section 379 IPC and Section 21 (4) of Mines and Minerals (Regulation of Development) Act, 1957, registered at Police Station Bilaspur, District Yamuna Nagar.

While granting interim bail to the petitioner, following order was passed by this Court on 21.05.2021: -

“...Learned counsel for the petitioner submits that the FIR was registered on a complaint given by the Mines and Geology Department for taking action against owner of tractor trolley bearing registration No.UP-11BP-1070, as there was violation of

the orders/directions passed by the National Green Tribunal, New Delhi. It is further submitted that the vehicle was taken in possession on 15.01.2021, despite the fact that the petitioner was carrying a transit pass and it will be a matter of trial whether the petitioner was holding a valid transit pass or not. It is also submitted that the FIR has been registered after a gap of three and half months without explaining the delay.

Learned counsel for the petitioner has argued that as per Rule 104 of State Mining Rules, 2012, consequences of illegal or unauthorized mining shall be; for the first time violation, mineral shall be liable to be seized along with vehicle etc., which can be released on payment of fine; for second time violation, there is a provision for increase of fine, whereas in case of third time violation, there is a penal provision. It is thus argued that the petitioner is first offender, therefore, registration of FIR is not justified in view of Rule 104 of State Mining Rules, 2012. It is further submitted that the petitioner is ready to join the investigation and put up his defence of carrying a valid transit pass.

Notice of motion.

On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana accepts notice on behalf of the respondent-State and submits that FIR was registered, after impounding/seizing of the vehicle by the authorities and he did not approach the concerned

authority to pay the fine in view of the orders of the National Green Tribunal, New Delhi...”

Learned counsel for the petitioner submits that in compliance of the aforesaid order, the petitioner has joined the investigation and is no more required for further investigation.

Learned State counsel, on instructions from HC Jagpal Singh, has not disputed the factual position and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 21.05.2021 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

07.09.2021
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No