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IN THE HIGH COURT OF PU`NJAB AND HARYANA
AT CHANDIGARH

CRM-M No.20289 of 2021
Date of Decision: 21.05.2021

RAM KISHAN AND ANR

.....Petitioners

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vikas Arora, Advocate
for the petitioners.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Prayer made in this petition is for grant of anticipatory bail in case bearing FIR No.214 dated 24.11.2020 registered under Sections 379 IPC, 13(A) of the Punjab Village Common Land Act, 1961 and 21(1) of Mines and Minerals Development and Regulation Act, 1957 at Police Station Nurpur Bedi, District Rupnagar.

Learned counsel for the petitioners has relied upon pendency of petition bearing CRM-M No.19024 of 2021 to seek similar relief for the petitioners.

While arguing the earlier case i.e. CRM-M No.19024 of 2021, an impression was given to the Court on the basis of pleadings made in the petition that the petitioner has not conducted any mining activity in Khasra No.32 (14-19) belonging to the Gram Panchayat and under the Punjab Minor Mineral Rules (Amendment) 2015, a farmer can accumulate soil for the purposes of levelling his field and can dispose of any excess mineral accumulated therein.

At this stage, Mr. Kuldeep Singh Saini, Advocate appears on behalf of the complainant and points out different khasra numbers appearing in the vernacular of FIR including Khasra No.32 (14-19) in which mining operations have been done by the accused. This fact has been corroborated by different reports submitted by revenue officials/officers.

It appears that while filing translation of FIR, the petitioners have concealed the allegations of mining in different khasra numbers including Khasra No.32 (14-19) belonging to the Gram Panchayat. Petitioners have made a crude attempt to mislead the Court by not mentioning even single khasra number in true translation of the FIR.

In view of above, no ground is made out to grant indulgence in favour of the petitioners, who have not come to the Court with clean hands. Petition is accordingly dismissed.

Let show cause notice be issued to co-accused Jasvir Singh in CRM-M No.19024 of 2021 as to why suitable order be not passed in the said petition as well.

Since CRM-M No.19024 of 2021 was also filed by Mr. Vikas Arora, Advocate, therefore, he is directed to file response (if any) within one week.

A copy of this order be placed on the file of CRM-M No.19024 of 2021.

May 21, 2021	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No