

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-21229 of 2021
Date of Decision: 27.05.2021

Manjit Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Naveen Batra, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in FIR No. 94 dated 6.8.2019, under Sections 21(1) and 4(1) of Mines & Mineral (Development and Regulation) Act, 1957 and Sections 379 and 188 IPC, registered at Police Station Nurpur Bedi, District Rupnagar.

The FIR was lodged on the basis of a complaint received from Mining Officer, Rupnagar at Mohali. It was stated that during rainy season, Secretary-cum-Director Mining passed an order banning the mining from 1.7.2019 to 30.6.2019. In order to keep a check on illegal extraction, checking was carried on 6.8.2019 and it was found that the seal put by the department at Sati Sahib Stone Crusher was broken and raw material was lying on the spot. A JCB bearing registration No.PB-35-H-9211 was found filling the vehicle.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated. The petitioner had only taken on lease of the stone crusher from 15.6.2019 to 15.9.2019.

Learned counsel for the State puts in appearance on advance

notice. On instructions from ASI-Gurmukh Singh, she submits that the owner of the stone crusher had made an application for enquiry. A similar application was made by the petitioner for conducting an enquiry. It was after the enquiry that the petitioner was nominated. She further submits that nine more cases are pending against the petitioner.

The main contention of learned counsel for the petitioner is of false implication. No *prima facie* reason has been put forth for the authorities or the owner of the crusher for falsely implicating petitioner. As per the case set up, the petitioner was the lease holder at the time of checking. There is nothing to explain the allegation that how the seal put by the department on the stone crusher was broken. A thorough probe would be required in the matter as two different versions are being put forth by the owner of the crusher and the petitioner. Without custodial interrogation of the petitioner, it would not be possible to find the missing links.

The petition is dismissed.

However, it is clarified that nothing observed hereinabove shall be construed as an expression of opinion on the merits of the case. The observations are only for the purpose of deciding the present petition.

[AVNEESH JHINGAN]
JUDGE

27th May, 2021
mk

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No