

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

**CRM-M No.27163 of 2021
Date of Decision:-16.11.2021**

Mahender

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Rohit Mittal, Advocate
for the petitioner.

Mr. Apoorv Garg, D.A.G, Haryana.

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.192 dated 17.06.2021 registered at Police Station Ateli, District Mohendargarh, under Sections 21(1), 4(1), 4(1)(A) of the Mines and Minerals (Regulation of Development) Act, 1957, Sections 188 and 379 IPC (wherein the offences under Sections 120-B, 420, 467, 468, 471 IPC are stated to have been added later-on), the petitioner has moved this petition for seeking the relief of anticipatory bail.

Shorn and short of unnecessary details, the allegations, as levelled in the subject FIR, are that on 22.07.2020, a vehicle bearing registration No.HR-38Z-8752 was seized by the Flying Squad of the Mining Department and on being weighed, the same was found to be

loaded with 78.155 Metric tonnes 'Gravel', i.e. 23 Metric tonnes in excess of the permissible quantity of 54.900 Metric tonnes and by then, the time limit, as mentioned in E-Ravana slip, had also expired.

Reply, by way of the affidavit of Deputy Superintendent of Police, Kanina, District Mahendergarh, has already been filed on behalf of the respondent-State.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the petitioner has not been nominated as an accused in the said FIR nor he was present at the spot at the time of the alleged seizure of the afore-mentioned vehicle and moreover, the recovery of the vehicle as well as the Gravel, as loaded therein, has already been effected and in these circumstances, the petitioner deserves the relief as prayed for in the instant petition. To buttress his contentions, he has placed reliance upon the verdicts as rendered by the Co-ordinate Benches in **M/s K.C. Stone Crushing Co. & others Versus State of Haryana & others Etc., CRM-M Nos.23190/36757 of 2020 Decided on 04.02.2021; Mahinder Singh Versus State of Punjab, CRM-M No.37023 of 2020 Decided on 05.02.2021; Jasvir Singh Versus State of Punjab, CRM-M No.44215 of 2020 Decided on 11.02.2021; Neeraj Rana Versus State of Punjab, CRM-M No.44197 of 2020 Decided on 11.02.2021 and Irfan Versus State of Haryana CRM-M No.38865 of 2020 Decided on 12.01.2021.**

Per contra, learned State counsel argues that the petitioner is the registered owner of the above-said vehicle and the said excess quantity of Gravel was loaded therein at the instance of the petitioner only and moreover, the said vehicle had been found involved in the illegal transportation of the minerals earlier also and keeping in view these facts and also the nature of the offence committed in this case, the present petition be dismissed.

Even if the name of the petitioner does not find mention as an accused in the FIR and he was not present at the spot at the time of the seizure of the above-said vehicle, even then the fact remains that it has categorically been mentioned in Para No.4 (on merits) in the Reply that he is the owner of the said vehicle and the driver of the same could not produce any proper bill for the minerals loaded in it. Then, in Para No.6, it has been further mentioned that after the seizure of the said vehicle, the petitioner did not appear before the competent authority to deposit the penalty etc. To add to it, it has also been deposed in Para No.10 that this vehicle had been seized earlier also on 14.12.2019 while unlawfully transporting the minerals but was released on ‘*Superdari*’ and it has again been found to be involved in the similar offence in the present case. The cases of illegal mining are on the high rise these days, and these cause loss to the State Exchequer and harm to the environment/ecological system of the region.

The observations as made by the Co-ordinate Benches in **M/s K.C. Stone Crushing Co. & others (supra), Mahinder Singh (supra),**

Jasvir Singh (supra), **Neeraj Rana (supra)** and **Irfan (supra)**, are of no avail to the petitioner because in none of the said cases, it has been mentioned that the seized vehicle had been found to be involved in the alleged commission of the offence for second time.

Keeping in view the above-discussed facts and circumstances as well as the nature of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory bail.

Resultantly, the petition in hand stands dismissed.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

November 16, 2021
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*