

CRM-M-32378-2021

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

CRM-M-32378-2021

Date of decision: 31.08.2021

Charan Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vinod K. Kaushal, Advocate,
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G.Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.63 dated 10.07.2021, registered at Police Station Verowal, District Tarn Taran, under Section 379 IPC and Section 21 of the Mines and Minerals (Development and Regulation) Act, 1959 and National Green Tribunal Act, 2010.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner was neither named in the FIR nor was arrested at the spot, but has been indicted in the present case on the basis of an extra-judicial confession of co-accused Lakhbir Singh, which has no evidentiary value. He further contends that no material used for excavation was recovered from the petitioner. The recovery has already been effected.

On the other hand, learned State counsel while opposing the submissions made by the learned counsel for the petitioner, contends that two tractors alongwith trolleys loaded with sand, were recovered from the spot. However, the driver had fled away from there. There are as many as two other FIRs of similar nature, registered against the petitioner.

I have heard the learned counsel for the parties.

As per the case of prosecution, on 09.07.2021, the Mining

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Officer alongwith his staff reached the disclosed place and two tractors alongwith trolleys loaded with sand alleged to be mined through illegal means, had been recovered. However, the driver of the tractor/trolleys had run away from the spot after leaving the above-said vehicles. The petitioner has been indicted in the present case on the basis of statement of co-accused Lakhbir Singh to the effect that on 10.07.2021, the petitioner came to him and disclosed that he had loaded the sand which was illegally mined from Mand River and on getting the information, the police party was coming in that area and he had left the tractor/trolley loaded with sand at the spot and ran away. The petitioner is also involved in two more FIRs of similar nature.

Having regard to the totality of facts and circumstances of the case and looking to the nature of accusations and the gravity of the offence and the fact that the petitioner being a habitual offender, is involved in two other cases of similar nature, this Court is not inclined to grant benefit of anticipatory bail to the petitioner.

Dismissed.

31.08.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No