

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.208

CRM-M No.36433 of 2021
Date of Decision: 13-10-2021.

Charanjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

(Heard through Video-Conferencing)

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

Present: Mr. Manuj Nagrath, Advocate,
for the petitioner.

Ms. Samina Dhir, Deputy Advocate
General, Punjab.

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MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.196 dated 13.08.2021 as registered at Police Station Tanda, District Hoshiarpur, under Section 21(1) of the Mines and Minerals Act, 1957, the petitioner has moved this petition for seeking the relief of anticipatory bail.

2. The allegations, in brief, as levelled in this case, are that Mining Inspector Harminderpal Singh, along-with some other officials, was checking the area for stopping/curbing the illegal mining and when they reached at Village Chautala, they noticed the illegal extraction/mining of the minerals being carried out in a field with one JCB Machine and one Tractor-Trolley and on noticing the checking team, the drivers of both the said vehicles fled

away from the spot while emptying the sand loaded in the Trolley. The checking team chased the said vehicles and found the same parked under a shed and these were taken into possession by the police. During the investigation, it has been found out that the above-said JCB Machine belongs to the petitioner.

3. Status-report filed on behalf of the respondent-State, by way of the affidavit of Deputy Superintendent of Police, Sub-Division Tanda, District Hoshiarpur, as forwarded by learned State Counsel to this Court through e-mail, is taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the instant petition and have perused the record thoroughly.

5. Learned counsel for the petitioner has contended that the entire story, as set-forth by the complainant and the police authorities regarding the drivers of both the above-said vehicles having escaped from the spot on seeing the checking team and the checking team having not been able to apprehend them at the spot, is highly improbable and moreover, no mineral, as allegedly having been extracted illegally, has been taken into possession and in these circumstances, the petitioner deserves the relief as sought in the present petition.

6. Per-contra, learned State counsel has argued that on seeing the checking team, the drivers of both the said vehicles fled away from the spot along-with their vehicles after unloading the sand from the Trolley and they were chased and the said vehicles were found parked under a shed and no permission had been granted to the petitioner for carrying out the mining

work and even otherwise, the illegal mining is on the rise in the State and it being so, this petition be dismissed.

7. In Para No.2 of the status-report, it has specifically been mentioned that the checking team noticed the mining work being carried out with the above-said vehicles and till they reached at the spot, the drivers of these vehicles managed to run away from there and they were chased and further, in Para No.4 therein, it has categorically been mentioned that during the investigation, the petitioner was found to be the owner of the said JCB Machine. The probability and veracity of the said version can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial and the same cannot be considered and ascertained at this stage.

8. Further, it has also been mentioned in the subject FIR that on noticing the checking team, the driver of the Tractor-Trolley emptied the sand loaded in the Trolley and fled away from the spot. In these circumstances, the factum of no mineral, allegedly extracted illegally, having been taken into possession, cannot be taken to be sufficient at all, at this moment, to negate the entire version of the complainant as well as the Investigating Agency.

9. Moreover, it is a matter of deep concern that the cases of illegal mining are rampant these days and the same, besides resulting in the loss to the State Exchequer, also causes harm to the ecological system of the region leading to far reaching adverse consequences likely to be faced even in

future.

10. Keeping in view all 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 accordingly.

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.

(MEENAKSHI I. MEHTA)
JUDGE

13th October, 2021.
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Whether speaking/reasoned?	Yes
Whether Reportable?	Yes