

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-38107-2020 (O&M)

Date of Decision:- 26.8.2021

Mangat Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kamal Narula, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Gurmail Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in case registered against him vide FIR No. 339, dated 22.9.2020, Police Station Sadar, District Fazilka, under Section 379 IPC and Section 21(3) of Mines and Minerals (Development and Regulation) Act.

2. As per the FIR, on 22.9.2020 when a police party headed by SI Gurinder Singh was patrolling in the area of Mandi Ladhuka, Fatehgarh, then a tractor trolley was noticed coming from the side of village Kiriyan Wali and the driver of the said tractor trolley upon noticing the police party left the tractor trolley at the spot and ran away towards the fields and escaped. The tractor trolley was found to be loaded with 'sand' although Government of Punjab has banned illegal mining.
3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and is neither the driver nor the owner of the said tractor trolley and has been falsely implicated subsequently on the basis of some secret information alleged to have been received by the police to the effect that it is the petitioner who was driving the said tractor trolley.
4. Learned State counsel while opposing the petition has submitted that since it is a matter pertaining to environment, no leniency deserves to be shown to the petitioner. Learned State counsel has however, informed that the petitioner has since joined investigation and is not involved in any other case.
5. Having regard to the aforestated position wherein the petitioner was neither arrested at the spot nor is stated to have been identified by any member of the police party and is otherwise stated to have joined investigation and has a clean record, the petition is accepted and the interim directions issued by this Court vide order dated 18.11.2020 are hereby made absolute subject to the condition that the petitioner

shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

26.8.2021

Mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No