

CRM-M-46113-2021

(Through Video Conferencing)

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

CRM-M-46113 of 2021
Date of Decision: 03.11.2021

Gurinder Pal Singh and others

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Ms. Sukhpreet Kaur, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No. 0166 dated 17.10.2021 under Section 379 of the IPC and Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 registered at Police Station Sidhwan Bet, District Ludhiana Rural.

According to the prosecution, on 17.10.2021, on the tips from informer that petitioner no.1-Gurvinder Singh @ Ginda has been loading sand on his tractor-trolley alongwith petitioner no.2 and petitioner no.3 were also loading sand in their tractor trollies at Kannian Hussaini. As such the said FIR has been registered against the petitioners.

Learned counsel for the petitioners, inter alia, submits that the petitioners are innocent persons and they have been falsely implicated

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in the commission of this offence. The petitioners have not been arrested on the spot by the police party who conducted a raid at the spot with full preparation, after receiving the secret information. Learned counsel further submits that while conducting raid at the spot and the alleged recovery effected at the spot, Standard Operating Procedure has not been followed.

On the other hand, learned State counsel vehemently opposes the grant of anticipatory bail to the petitioners. He contends that the custodial interrogation of the petitioners is necessary to unearth the modus operandi. Moreover, tractor involved in the commission of offence is in the name of petitioner no.1-Gurinder Pal Singh.

I have given thoughtful consideration to the submissions of the learned counsel for the parties.

I am not impressed with the submissions of the learned counsel for the petitioners. In the petition, it is not denied that the tractor alleged to be involved in the commission of offence does not belong to petitioner no.1 and the names of the petitioners also find mention in the FIR. Moreover, the matter is at the initial stage of investigation. In such type of cases, custodial interrogation is very necessary to crack down illegal mining operations. Sand, being a government property- its illegal extraction and transportation is a very serious offence. Now-a-days, it is causing huge loss to the exchequer of the State.

In this view of the matter, I do not find it a fit case for grant of concession of anticipatory bail to the petitioners. The petition is

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accordingly dismissed.

November 03, 2021
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No