

102
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52457-2021
Date of Decision:16.12.2021

Kimat

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 614 date 07.09.2021, under Sections 341/353/395/506 IPC, registered at Police Station City Narnaul, District Mahendergarh.

As per the FIR which was lodged by one Rinku who is working as a Mining Guard in the Mining and Earth Science Department, Narnaul, the allegations are that on 06.09.2021 at 6.30 P.M when the aforesaid Rinku, Mining Guard alongwith 5 more Government employees namely, Punit, Mining Guard, Vinod, Special Mining Guard, Rakesh, Special Mining Guard, Kashmir, Special Mining Guard and Malkit (driver) were in a Government vehicle and had inspected the area of Kojinda River with regard to the illegal mining, then during inspection they nabbed one silver

colour Eicher Tractor with trolley fully loaded with Bajri. Photographs of driver and chassis number of the tractor were also clicked on the spot. The seizing order of the tractor was also issued and tractor was brought towards police station. The driver of the tractor refused to tell his name and he informed the name of his village as Kojinda and when they brought the tractor at village Kojinda, as many as 10/12 persons consisting of men and women stopped the way of the aforesaid Government employees who were the Mining Guards and snatched the tractor from them and thereafter, unloaded the tractor with the help of a jack. A videography was also made in this regard by the Mining Guards. They also got released the tractor driver from their custody and the driver ran away towards his village. As per further contents of the FIR, those 10/12 persons have caused obstruction in the official work and they also threatened that they would kill them, if they proceed towards that side and that these Mining Guards have saved their life with great efforts.

The learned counsel for the petitioner has submitted that the petitioner who was driver of the tractor was having a mining licence from the Department of Mines and Geology vide Annexure P-3 and, therefore, no fault can be attributable to the petitioner as he was doing the mining work by lawful methods. He has therefore prayed that he may be considered for the grant of anticipatory bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has stated that he has received the advance copy of the present petition. He on instructions from SI Ashok Kumar has stated that in the present case the petitioner alongwith a group of other persons had

through the village for the purpose of verification. He submitted that a videography was also made by them which shows that the petitioner alongwith other 10/12 persons had forcibly snatched the tractor trolley and unloaded the same and, therefore, such an act on the part of the petitioner and the other persons was serious in nature. He further submitted that the mere fact that the petitioner had some kind of mining licence with him would not mean that once the tractor trolley was intercepted by the Mining Department and they were taking the same for verification, then the petitioner alongwith other persons attacked the mining staff and snatched away and unloaded the same which was totally uncalled for and is an offence and, therefore, the custodial interrogation of the petitioner is required.

I have heard the learned counsel for the parties.

An argument has been raised by the learned counsel for the petitioner that the petitioner had a mining licence and, therefore, such an FIR would not be sustainable. However, a perusal of the FIR would show that the petitioner has not been stated to be involved in any offence under the Mining Act but under Sections 341, 353, 395 and 506 IPC and the allegation against the petitioner and the other persons was that when the mining staff consisting of 5 Mining Guards were taking their tractor trolley to the police station via a village, then 10/12 persons had attacked the mining staff and snatched away the tractor trolley and unload the same and regarding which the videography was also made. The submission made by the learned Deputy Advocate General, Haryana that such an offence was a serious offence and would require custodial interrogation does carry some weight.

Therefore, in view of the intensity of seriousness of the offence and the

magnitude of the same, this Court does not deem it fit and proper to grant concession of anticipatory bail to the petitioner.

Consequently, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

16.12.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No