

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

Sr. No.201

**CRM-M No.1215 of 2022
Date of decision: 18.02.2022**

Nasim

..Petitioner

Versus

State of Haryana

..Respondent

(Heard through Video-Conferencing)

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

Present: Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana
for the respondent -State.

MEENAKSHI I. MEHTA J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.302 dated 13.12.2021 registered at Police Station Chhachhrauli, under Sections 379 IPC and 21 (4) of the Mines and Minerals (Development and Regulation) Act, 1957 (hereinafter referred as 'the Act'), the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Shorn and short of unnecessary details, the facts, culminating in the registration of the subject FIR, are that a letter was received at the said Police Station from the Mining Officer, Yamuna Nagar for taking action against the owner and the driver of the tractor, having chassis No.CZZDS89371653, under Section 379 IPC and the relevant provisions of the Act, while alleging that on 03.07.2021, the SET

of their Department had taken the above-said tractor along-with the trolley, which was found loaded with 'Gravel' without any valid Bill for the same, into possession and the afore-said persons had not deposited the requisite amount of compensation, royalty, penalty and the value of the 'Gravel'.

Status-report has already been filed on behalf of the respondent-State, by way of the affidavit of the Deputy Superintendent of Police, Jagadhri (Yamuna Nagar) and the same is taken on the record.

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

Learned counsel for the petitioner contends that the petitioner has been got falsely implicated in this case and nothing is to be recovered from him and therefore, he deserves the relief of pre-arrest bail.

Per contra, learned State counsel has argued that the petitioner is the owner of the tractor and trolley in question and he illegally mined the above-said 'Gravel' and thus, committed the theft of the same and keeping in view the gravity of the offence, this petition be dismissed.

A perusal of the copy of the Registration Certificate of the tractor having the said chassis number reveals that the petitioner is recorded therein to be its registered owner. He has not placed any document on the file to show that the 'Gravel', as allegedly found loaded in the trolley attached to the afore-said tractor, had been mined under the requisite permission/licence from the competent authority.

Illegal mining is rampant these days and besides causing loss to

the State Exchequer, it poses threat to the environment of the region, which may result in health hazards for the residents of the area.

Keeping in view the above-discussed fact 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.

18.02.2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No