

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

**104**

**CRM-M-4725-2022**

Date of Decision : **February 04, 2022**

**NAWAB ALI**

.....Petitioner

***VERSUS***

**STATE OF HARYANA**

.....Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

**Through Video Conferencing**

Present : Mr. K.L.Saini, Advocate  
for the petitioner.

**JASGURPREET SINGH PURI. J. (Oral)**

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.262 dated 26.12.2021 under Sections 186, 341, 353, 379 IPC and Sections 21(1), 22 (4)(a) of Mines and Mineral (Regulation and Development) Act, 1957, registered at Police Station, Shahzadpur.

As per the FIR when the police party alongwith their vehicle were on patrolling then they found that one Swaraj Tractor of red colour without number was found doing illegal mining of sand in the river and thereafter the police party apprehended the tractor and tractor driver but the driver managed to flee. The trolley of the tractor was partially filled up with the sand and, therefore, the same was being taken to Police Station Shahzadpur. However, on the way when they were passing from village Rajouli through Magharpur then one Innova car of silver colour No.6775 which was coming from behind came in front of the tractor and

got stopped the tractor and in that vehicle there were 3 to 4 persons and one person came out of the car and he sprinkled petrol on himself and took the control of the tractor and told the Government Officials that in case they tried to come near him then he will put himself ablaze and he was also having a lighter in his hand and he took away the tractor trolley. The entire incident was captured in a video.

It has been submitted by learned counsel for the petitioner that the trolley was partially filled up with sand and the mere fact that the petitioner had tried to set himself ablaze cannot dis-entitle the petitioner for the grant of anticipatory bail because the police officials were trying to harass the petitioner. He has, therefore, prayed for the grant of anticipatory bail.

On the other hand, Mr. Naveen Singh Panwar, DAG, Haryana has stated that he has received an advance copy of the petition and he has also sought instructions from SI Ram Bhaj. He submitted that it is a case where the mining Officers had spotted the tractor/trolley which did not have a number and there was one person who was doing illegal mining who although was caught but he managed to escape from the spot and the trolley was being filled up partially with sand in illegal manner and when the Government Officials were taking the tractor/trolley to the Police Station then the petitioner tried to stop the Government Officials and adopted a novel method of trying to set himself ablaze and in this way he managed to take the tractor/trolley alongwith him and, therefore, the offence committed by the petitioner was a serious offence and there is a clear apprehension that in case the petitioner is

granted bail then he may even abscond from justice and influence the witnesses.

I have heard the learned counsels for the parties.

It is a case where the incident was captured in a video and the matter is at the investigation stage. It is well known fact that illegal land mining is rampant. As per the allegations, the tractor did not have any number plate. The person who was caught on the sand mining fled away from the spot and when the Government Officials were taking the tractor and trolley to the Police Station, the petitioner stopped the tractor/trolley and adopted a method of trying to set himself ablaze in order to deter the Government Officials. The conduct and the method in which the petitioner had fled away from the spot alongwith the tractor trolley itself would dis-entitle the petitioner for the grant of anticipatory bail.

Finding no merit in the present petition, the same is, hereby, dismissed.

**February 04, 2022**

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**(JASGURPREET SINGH PURI)**  
**JUDGE**

|                            |   |        |
|----------------------------|---|--------|
| Whether speaking/reasoned. | : | Yes/No |
| Whether Reportable.        | : | Yes/No |