

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

CRM-M-22304-2022 (O&M)

Date of Decision:- 05.7.2022

Rajvir Rawat and another

.... Petitioners

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. R.N.Lohan, Advocate, for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,  
assisted by SI Virender.

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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.0094, dated 13.4.2022, Police Station Nangal Chaudhary, District Mahendergarh, under Sections 21(1) of Mines and Minerals (Regulations of Development) Act, 1957 and Sections 188 and 379 IPC.
2. The FIR in question was lodged on the basis of a complaint lodged by Sh. Deepak Kumar, Mining Officer, Narnaul, wherein it is alleged that on 19.1.2022, vehicle No.RJ-32-GB-6517 was found to be illegally and unauthorizedly transporting 67.48 metric ton of mineral

(*rodi*). The said truck in question was being driven by petitioner No.2-Mukesh. Petitioner No.1 is stated to be owner of the truck in question. Upon being asked, the driver could not produce any e-pass in respect of the transportation of the mineral. It is further the case of complainant that although the petitioner No.1 was asked to pay fine vide letter memo No.5776 dated 24.3.2022 and letter memo No.37 dated 4.4.2022, but the same was not deposited and consequently the FIR came to be lodged on 13.4.2022.

3. Learned counsel for the petitioners has submitted that they have falsely been implicated in the present case and that in any case even as per the provisions of the Act, the FIR could not have been lodged as it was a case of first violation on their part. Learned counsel has submitted that even as per the case of prosecution the accused had collected mineral (*rori*) from a Crusher and had not themselves indulged into any mining.
4. On the other hand, learned State counsel while opposing the petition has submitted that in terms of provisions of Rule 102 of the State Mining Rule, 2012, petitioner No.1 was directed to pay price of mineral, and the applicable royalty which worked out to Rs.4 lakhs but the same has not been paid till date.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case particularly bearing in mind the fact that the incident in question is stated to be the first case of violation on the part of the petitioners, the petition is accepted and in the event of arrest, the petitioners be released on bail

subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

7. It is however, directed that the aforesaid order shall be subject to payment of an amount of Rs.1 lakh by petitioner No.1 which shall be deposited with Office of Mines and Geology Department, Narnaul, which may be adjusted towards the fine in terms of provisions of Rule 102 of the State Mining Rule, 2012/letter memo No.5776 dated 24.3.2022 and letter memo No.37 dated 4.4.2022.

**05.7.2022**

Mohan

**(GURVINDER SINGH GILL)**  
**JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No