

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

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CRM-M-24322-2022 (O&M)

Date of Decision: 20.07.2022

SANJEEV KUMAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.61 dated 12.05.2022, registered at Police Station Nangal, District Rupnagar, under Sections 21(1) and 4(1) of the Mines and Minerals (Development and Regulation) Act, 1957 (hereinafter referred to as the Act).

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner is not the owner of Rana Stone Crusher and rather, the same is owned by one Gurnam Singh; that the petitioner was earlier working in the said crusher, which is now lying closed; that the petitioner was not found present at the spot at the time of the alleged raid and that no recovery was effected from the petitioner. He further submits that it is not possible that the petitioner could have done such act; that an NOC was given by the Pollution Control Board in favour of the Rana Store Crusher and that as per

Section 21(1) of the Act, there is no provision for lodging an FIR and only a complaint can be filed and that too by the Mining Officer.

On the other hand, while opposing the prayer for grant of anticipatory bail to the petitioner, learned State counsel submits that the place where the illegal mining was being done, is owned by Gurnam Singh; that, vide agreement dated 15.08.2021, the said land along with the machinery was taken on rent by the petitioner @ Rs.3,80,000/-per month and that as per the latest law laid down by the Hon'ble Supreme Court in Jayant Vs State of Madhya Pradesh, 2021 AIR (SC) 496, there is no bar in lodging the FIR in case of illegal mining.

I have heard the learned counsel for the parties.

Mere fact that the petitioner had taken the land on rent, does not give him any license to carry out mining on the said land. One cannot lose sight of the fact that because of the illegal mining, the entire environmental set-up has degraded causing serious danger to the existential system. Besides the illegal acts of the petitioner has caused damage to the river over-bridge as the sand in, around or from beneath the pillars, was being extracted. Thus, to unearth the truth, the custodial interrogation of the petitioner is required.

In view of the above, no ground is made out to grant the concession of anticipatory bail to the petitioner.

Dismissed.

20.07.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*