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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28664-2022
Date of Decision: 19.07.2022

Bhajan Lal

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No. 152 dated 07.06.2022, under Section 21(1) of Mines and Minerals (Regulation of Development Act), 1957 and under Sections 188 and 379 of IPC, registered at Police Station Nangal Choudhary, District Mohindergarh.

The learned counsel for the petitioner has submitted that the present FIR was registered after a gap of 2 months from the date of the alleged offence and therefore, there was a lack of creditability on the prosecution story. He further submitted that the petitioner has been falsely implicated in the present case and no offence under Section 379 IPC was made out nor any offence under Section 21(1) of Mines and Minerals (Regulation of Development Act), 1957 was made out.

The present FIR was lodged on the basis of complaint made by

the Mining Department that when a team of the mining officers conducted the checking of one vehicle near Chhapta Bibipur (**Arawali Area**), then the said vehicle was taken away from the spot and illegal mining of iron stone measuring approximately 140x7x6 feet was found. The aforesaid vehicle i.e. tractor-trolley was also seized. It was found that Bhajan Lal (Petitioner) was the owner of the said vehicle and therefore, penalty notice was issued to him for deposit of penalty

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has submitted that it is a case where the petitioner is the owner of the confiscated vehicle which was used for illegal mining and there was no E-Ravana with him and after the vehicle was seized by the checking party, then time was also granted to the petitioner to compound the offence by serving notice as per rules but he failed to come forward to compound the offence despite the fact that the notice was duly issued to him. He further submitted that the delay was only because of the reason that proper time was given to the petitioner to deposit the penalty but he failed to deposit the same. He further submitted that it is a case where the illegal mining was done in the Arawali area and the custodial interrogation of the petitioner was required because it has to be ascertained as to how many times he has committed offence and for breaking the chain with regard to illegal mining in the area. He further submitted that the illegal mining is frequent in the Arawali area and, therefore, the petitioner does not deserve the concession of anticipatory bail.

I have heard the learned counsel for the parties.

The petitioner is said to be the owner of the vehicle which was seized alongwith the mining material which was found to be illegal. The illegal

mining was being done in the Arawali area and the argument raised by the learned State counsel that for the purpose of checking such kind of mining in future, the custodial interrogation of the petitioner is required does carry weight and cannot be ignored. The argument raised by the learned counsel for the petitioner that there was a delay of 2 months cannot vest a right in the petitioner on the ground that as per the State some time was given to the petitioner to deposit the penalty under the rules but the same was not done by the petitioner. This Court is of the view that illegal mining is being done frequently in the said area and in order to check such a menace the custodial interrogation of the petitioner would be required and therefore, there is a weight in the argument raised by the learned State counsel.

In view of the aforesaid position, the present petition is devoid of any merit and the same 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.

19.07.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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