

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-35226-2022

Date of Decision:-29.08.2022

Kulbeer Singh.

.....**Petitioner.**

Versus

State of Haryana.

.....**Respondent.**

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Shailender Singh Gill, Advocate for the Petitioner.

Ms. Dimple Jain, Assistant Advocate General, Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the petition under Section 438 Cr.PC is for grant of anticipatory bail to the petitioner in case FIR No.163 dated 08.04.2022 under Sections 186, 353, 34 IPC read with 21(4) MMRD (Mines and Minerals Regulation of Development) Act, 1957, registered at Police Station Naraingarh, District Ambala.

The present FIR came to be registered by the Mining Officer who stated that on 7.4.2022 mining guard Dharamvir and mining guard Jai Parkash were travelling in a government jeep. When they stopped a tractor trolley and searched the same, the trolley contained river sand. The driver of the tractor was not having any document/bill and photography of the tractor and trolley was done at the spot. At the same time the owner of the tractor trolley namely Kulbeer Singh (present petitioner) came at the spot on his

motor cycle. The clerk of the JMD Bricks Badholi, namely Amarjit Singh along with some criminal type persons came at the spot held out the key of the government jeep and the owner of the tractor trolley snatched the statement recorded by him and tore it. He started to abuse and manhandle them and tried to run away with the tractor trolley. On being stopped an attempt was made to run over the team who saved their lives by jumping on the side.

The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He is neither the owner of the tractor trolley and has got no connection with the same, which is in fact owned by his brother. He had gone to the spot but only to hand over the documents/papers of the alleged tractor trolley demanded by the mining team. No beating was given to anyone nor is there any MLR on record.

The Counsel for the State on the other hand has filed reply dated 17.08.2022. As per the reply the IO had visited the place of occurrence and conducted investigation. Thereafter raids were conducted to arrest the accused person. On 09.04.2022 the IO raided the house of the petitioner who was absconding. Thereafter, the IO went to JMD Bricks Badholi to join in in the investigation the employee namely Inderjit Singh and inquired from him about the whereabouts of Amarjit Singh (clerk) but no clue was found. Thereafter, on 14.04.2022 the house of the petitioner was raided and the motor cycle was recovered which is referred to in the FIR on which the petitioner had come to the spot.

It is contended by the counsel for the State that the petitioner is in fact a part of the mining mafia. Only recently a occurrence had taken place at Nuh wherein a DSP had been run over by persons belonging to the

mining mafia and similar occurrences have taken place at various places in Punjab as well where illegal mining is rampant and when caught the accused get aggressive and violent. In the present case also an attempt has been made to run over the team of the mining department who were on official duty. He thus contends that petitioner does not deserve the concession of anticipatory bail.

I have heard learned Counsel for both the parties at length.

The petitioner is duly and specifically named in the FIR to have come to the spot and interfered with the functioning of the officials of the mining department. An attempt has been made to run over the mining team. Illegal mining is rampant in the states of Punjab & Haryana where on being caught, the accused get aggressive and violent. This kind of conduct with public servants cannot be condoned at any cost. Even otherwise releasing the petitioner on anticipatory bail at this stage would hamper the investigation which has to be taken to the logical conclusion. Therefore, the custodial interrogation of the petitioner is certainly warranted.

In view of the above, I find no merit in the present petition and, the same is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

August 29, 2022
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No