

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

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CRM-M-39359-2021

Date of Decision: 17.02.2021

Ajit Kumar @ Ajit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Munish Puri, Advocate, for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab,
assisted by ASI Sanjeev.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.74 dated 4.5.2021, Police Station Sujanpur, District Pathankot, under Section 21(1) Mining and Mineral (Regulation and Development) Act, 1957.
2. At the time of issuance of notice of motion on 22.09.2021, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in FIR No.74, dated 4.5.2021, Police Station Sujanpur, District Pathankot, under Section 21(1) Mining and Mineral (Regulation and Development) Act, 1957.

The FIR in question was lodged at the instance of Vishal Attri, Mining Inspector, Chakandar Sub Division, Gurdaspur wherein it is alleged that pursuant to receipt of information from journalist Vinod Kumar and Rajneesh Ji to the effect that illegal mining was being undertaken in village Channi and nearby places, the field staff of mining Department was directed to conduct raid at village Padhroli/Hajipur. When the officials went to the nominated place,

they noticed JCB and three tractor trolleys in which soil was loaded. However, upon noticing the raiding party, the said JCB and the tractor trolleys sped away from the spot. It is alleged therein that the field staff arranged a call amongst the mining Inspector and one Deepam Kumar s/o Captain Ajit Singh and said Deepam Kumar stated that the mining has been undertaken by him and by his father Captain Ajit Singh. When he was asked as to whether any permission had been taken, he denied having taken the same.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that neither he was ever seen or arrested at the spot and nor any of the vehicles was seized by the police and in fact it is highly unlikely that slow moving vehicles like JCB and tractors could have managed to escape when raiding party reached at the spot.

Notice of motion for 16.2.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner 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.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, though the petitioner has joined investigation, but he is not cooperating inasmuch as he is not getting JCB machine and tractor allegedly used for commission of offence recovered. It has, however, been informed that the petitioner is not involved in any other case.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and, otherwise, has a clean record, the petition is accepted and the interim directions issued by this Court vide

order dated 22.09.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

17.02.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

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