

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

CRM-M-35405-2022

Date of Decision:-10.08.2022

Gurpreet Singh @ Mannu.

.....Petitioner.

Vs.

State of Punjab.

.....Respondents.

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

Present:- Mr. Gagandeep Singh, Advocate for
Mr. Amandeep Singh Manaise, Advocate for the Petitioner.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the petition under Section 438 Cr.PC is for the grant of anticipatory bail to the petitioner in case FIR No.87 dated 24.07.2022 under Section 21(1) of Mines & Mineral (Development and Regulation) Act, 1957 and Sections 379 and 279 IPC registered at Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur.

The present FIR came to be registered at the instant of the ASI who stated that while they were on patrolling duty and going from Chowki to village Dharamkot Pattan, then they saw a tractor trolley loaded with sand on a vacant plot near the house of Gurpreet Singh @ Mannu (present petitioner). On seeing the police party one person with shorn hair separated the trolley from the tractor and fled away on the tractor in a rash and negligent manner. The person was identified by the ASI to be Gurpreet Singh @ Mannu (present petitioner). The said person was chased and

thereafter two more tractor trollies were seen loading sand and the persons seeing the police party separated their respective trollies from the tractor and fled away. Due to the Kutcha passage and bet area it was not possible to chase the tractors. However, the three trollies red in colour were taken into custody.

The counsel for the petitioner contends that the allegations against the petitioner are false and frivolous. The petitioner is innocent and is not involved in the alleged crime. He is an agriculturist and has been falsely implicated on account of previous involvement in a similar case. The mere presence of a tractor trolley loaded with sand near his house was not sufficient to implicate him when the said tractor trolley was not owned by the petitioner. Even otherwise as the sand already stood recovered the custodial interrogation of the petitioner is not required and the anticipatory bail has been wrongly denied to the petitioner.

I have heard learned Counsel for the petitioner at length.

In the present case, the petitioner has been duly identified by the police official at the spot. ASI Jagtar Singh stated that the sand in question was contained in a tractor trolley standing at a vacant plot near the house of the petitioner. On being approached the petitioner got separated his tractor and sped away leaving the trolley behind. The petitioner is involved in one other case of a similar nature bearing FIR No.54 P.S. Dera Baba Nanak. The offences of illegal mining are on the rise in the State of Punjab. At this stage by no stretch of imagination can it be said that the petitioner has been falsely implicated in the present case. In fact his custodial interrogation is necessary on account of the serious nature of the allegations and in order to reveal the identities of his co-accused.

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

(JASJIT SINGH BEDI)
JUDGE

August 10, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>