

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

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CRM-M-41218-2022

Date of Decision : **September 09, 2022**

RAM AVTAR GURJAR

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Pawan Kumar, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.304 dated 19.8.2022 under Section 21(1) of Mines and Minerals (Regulation of Development) Act, 1957 and Section 379 IPC, registered at Police Station Sadar, Mahendergarh, District Mahendergarh.

It has been submitted by the learned counsel for the petitioner that the petitioner was falsely implicated in the present case and as per the allegations, a vehicle which was filled up with 10.00 MT was confiscated by the police and the petitioner is the owner-cum-driver of the vehicle and as per the allegations he was not able to show any permit or E-Ravana. He submitted that the alleged occurrence had taken place in the month of May and thereafter the FIR was registered after 3 months since the proceedings for compounding of the offence under the MMDR Act was pending. He further submitted that thereafter an appeal was filed by the petitioner which is still pending.

On the other hand, Mr. Ranvir Singh Arya, learned Addl. Advocate General, Haryana has stated that he has received the copy of the petition and he has gone through the same. He submitted that as per the allegations the vehicle from which 10 MT was found belongs to the

petitioner and there was no E-Ravana and it is a case of illegal mining. He submitted that the mere fact that the FIR was lodged after a period of 3 months will not vest any right with the petitioner since he was rather granted time for compounding of the offence by depositing the penalty under the MMDR Act. He further submitted that the menace of mining is at large and the petitioner belongs to the State of Rajasthan from where he had come to District Mahendergarh for the purpose of illegal mining and taking away the mineral/sand/gravel to Rajasthan. He submitted that in view of the aforesaid facts and circumstances, the petitioner does not deserve the concession of anticipatory bail.

I have heard the learned counsels for the parties.

The petitioner is stated to be owner-cum-driver of the vehicle which was seized by the Mining Department and the police confiscated the vehicle which was carrying 10 MT of mineral/sand/gravel and the petitioner did not have E-Ravana. The mere fact that the petitioner was granted opportunity for compounding the offence and for that purpose there is a delay in lodging of the FIR would not vest any right to the petitioner for the grant of anticipatory bail since illegal mining is being carried on at large scale in the State of Haryana. The petitioner is stated to be belonging to the State of Rajasthan and allegedly he had come to District Mahendergarh for the purpose of taking sand to Rajasthan. Therefore, this Court is of the view that it is a fit case where custodial investigation of the petitioner is required.

Therefore, finding no merit in the present petition, the same is, hereby, dismissed.

(JASGURPREET SINGH PURI)
JUDGE

September 09, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No