

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

CRM-M-41703-2022 (O&M)

Date of decision: 13.09.2022

Roop Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sandeep Kumar, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.79 dated 19.07.2022, registered at Police Station Haryana, District Hoshiarpur, under Sections 379, 411 IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 (hereinafter referred to as 'the Act').

Learned counsel for the petitioner submits that the petitioner has nothing to do with the present case; that initially, the FIR was registered against unknown person(s); that later on, the petitioner was indicted in the present case, being the owner of the tractor trolley in question; that no independent witness was joined by the police at the time of the alleged recovery; that no offence under Section 379 IPC is made out against the petitioner; that the alleged recovery has already been effected and that nothing is to be recovered from the petitioner.

Notice of motion.

On the asking of this Court, Mr. I.P.S. Sabharwal, DAG Punjab, accepts notice on behalf of the respondent-State. He, on instructions from ASI Bikramjit Singh, submits that the petitioner is involved in three more cases and as per the latest law laid down by the Hon'ble Supreme Court in Jayant Vs State of Madhya Pradesh, 2021 AIR (SC) 496, there is no bar in lodging the FIR in case of illegal mining.

I have heard the learned counsel for the petitioner as well as the learned State counsel and have also gone through the paper-book.

As per the version of the prosecution, on 19.07.2022, the Police party apprehended the tractor without number plate along with the trolley loaded with sand and on seeing the Police party, the Driver of the same ran away from the spot. Mere fact that the petitioner was not arrested at the spot, is not sufficient to grant anticipatory bail to him. One cannot lose sight of the fact that because of the illegal mining, the entire environmental set-up has degraded causing serious danger to the existential eco-system. Besides the illegal acts of the petitioner has caused damage to the river over-bridge as the sand in, around or from beneath the pillars, was being extracted. Thus, to unearth the truth, the custodial interrogation of the petitioner is required.

In view of the above, no ground is made out to grant the concession of anticipatory bail to the petitioner.

The petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

13.09.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No