

CRM-M-49429 of 2022

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

CRM-M-49429 of 2022
Date of decision: 21.10.2022

Murli

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Arjun Veer Sharma, Advocate, for the petitioner.
Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.131 dated 28.09.2022 registered under Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 379 IPC at Police Station Ladhuwal, District Ludhiana.

Allegations against the petitioner and his co-accused are that on the intervening night of 27/28.9.2022 when the mining Team headed by Sh. Rakesh Kumar was present near Satluj river, Village Quatebewal, they noticed that some unknown persons were lifting sand from the Satluj river. However, they succeeded to flee away from the spot after leaving their Tractor Arjan and Swaraj alongwith trolleys loaded with sand. The said Tractor trolleys loaded with sand were taken into police possession.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case as he is not named in the FIR. Petitioner never indulged in the illegal mining. He is

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not involved in any other criminal case. Petitioner is ready and willing to join the investigation. Therefore, he may be granted the concession of anticipatory bail.

Per contra, learned State counsel opposed the petition for grant of anticipatory bail to the petitioner.

I have heard learned counsel for the petitioner and the learned State counsel and perused the paperbook.

Admittedly, petitioner is the owner of Swaraj tractor bearing registration No.PB-91L-3077, which was found loaded with sand and taken into possession by the police. Therefore, it is clear that petitioner is indulging in illegal mining. Illegal mining harms the environment and the ecological system of the area.

In ***Jai Prakash Singh v. State of Bihar and another (2012) 4 SCC 379***, Hon'ble Supreme Court held that anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has falsely been enroped in the crime and would not misuse his liberty. (See ***D.K. Ganesh Babu v. P.T. Manokaran (2007) 4 SCC 434***, ***State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain (2008) 1 SCC 213*** and ***Union of India v. PadamNarain Aggarwal (2008) 13 SCC 305***). Arrest of the petitioner will be a part of the process of investigation intended to secure several purposes as observed by Hon'ble Supreme Court. The petitioner is to be questioned in detail regarding various facets of the crime. Custodial interrogation of the petitioner may provide information leading to discovery of material facts. Curtailing of his freedom is necessary in order

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to enable the investigation to proceed without hindrance and to protect witnesses.

In view of the facts and circumstances of the case, I am of the considered view that petitioner cannot prima facie be said to have been falsely enroped in the crime and his custodial interrogation is necessary in the case and that petitioner is likely to abscond and misuse his liberty and does not deserve grant of anticipatory bail.

In view of the above, the petition is dismissed.

October 21, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No