

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-50140-2022

Date of decision : 31.10.2022

Gurmej Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Deepak Arora, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.158 dated 08.10.2022 registered under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 379 IPC at Police Station Sri Hargobindpur Police, District Batala.

Learned counsel for the petitioner has submitted that as per the allegations in the FIR, the petitioner was stated to be driving the alleged loaded trolley bearing tractor no.PB06-AV-0324 and on seeing the police party, had run away from the spot and it is submitted that it is unlikely that the petitioner, in the presence of police officials, had managed to run away. It is further submitted that presence of the petitioner at the spot is highly doubtful.

Learned State counsel, on the other hand, has vehemently

loaded trolley bearing tractor no.PB06-AV-0324 is owned by the present petitioner and thus, his involvement in the present case is established beyond doubt. It is submitted that the petitioner does not have any license or any document to show that he was legally entitled to load sand in the tractor trolley owned by him. It is stated that at the said spot, a JCB machine was also present which also clearly shows that illegal mining was taking place at the said spot. It is further stated that sine the incident happened at 10:00 PM and it was dark, thus, the petitioner had managed to escape. It is also stated that while escaping the petitioner was recognised by the police officials who knew him from before. It is submitted that at any rate, the petitioner is the owner of the vehicle in question and on the said ground alone, the petitioner does not deserve the concession of anticipatory bail as the commission of illegal mining is a very serious offence and the same is spoiling the ecological balance.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner is stated to be the owner of the trolley bearing tractor no.PB06-AV-0324 in which sand was loaded and the same was seized at the spot by the police party. A JCB machine was also seized at the spot. The fact that the petitioner is the owner of the loaded trolley tractor and has not referred to any licence or any authority to show that he was entitled to load the sand, prima facie establishes the involvement of the petitioner in the act of illegal mining. Rapid illegal mining is being carried out in the whole country and the persons involved in the same should be dealt with a stern hand in order to save the country from ecological disasters.

Keeping in view the above said facts and circumstances, the present petition for grant of anticipatory bail is dismissed.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

October 31, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No