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

**CRM-M-54715-2021
Date of Decision: 28.03.2022**

Jagtar Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ashok Giri, Advocate,
for the petitioner.

Mr. P.S. Walia, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.137 dated 30.11.2021, under Sections 4(1) & 21(1) of Mines and Minerals (Regulations of Development) Act, 1957 and Section 379 of IPC, 1860 (added later on), registered at Police Station Sadar Rupnagar, District Rupnagar.

Learned counsel for the petitioner has submitted that in pursuance of the interim order passed by this Court on 31.12.2021, the petitioner has joined investigation. He further submitted that it was a case where the allegations against the petitioner were that he was doing illegal mining in a land belonging to *shamlat deh* land whereas in fact the petitioner and his ancestors were in possession of that land prior to the year 1951 and they were protected under the legislation. He also submitted that

even dispute with regard to the same is also pending before this Court and vide order dated 30.10.2017 (Annexure P-1) on the petition filed by the petitioner and others, *status quo* regarding the possession was also passed by this Court and this order is still in operation. He further submitted that since the present FIR has been lodged on the basis of a complaint of the Sarpanch, who has a conflict of interest with the present petitioner and it was lodged only to harass the petitioner whereas no illegal mining was done by the petitioner. He also submitted that be that as it may, the petitioner has already joined investigation and therefore, the interim bail granted to the petitioner may be made absolute.

On the other hand, Mr. P.S. Walia, learned Deputy Advocate General, Punjab, on instructions from A.S.I. Kulwinder Singh, has submitted that the petitioner has joined the investigation in pursuance of the order passed by this Court but he has not cooperated with the investigation process.

I have heard the learned counsel for the parties.

On a specific query being raised to the learned State counsel as to how the petitioner is not cooperating with the investigation process, he has stated that although he has joined the investigation process but the Police has not got recovered the machinery used for illegal mining.

This Court is of the opinion that the petitioner has taken the plea that he has not indulged in any kind of illegal mining and not only the petitioner but his ancestors were also in possession of the land in which the allegations regarding the illegal mining have been made and no illegal mining was done by him and therefore, the objection taken by the State with

regard to the non-recovery of machinery would not be sustainable for the purpose of consideration for grant of anticipatory bail, once the petitioner has already joined the investigation.

Consequently, the present petition is allowed and the order dated 31.12.2021, whereby the petitioner was granted interim bail, is hereby made absolute.

28.03.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |