

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 07.12.2022

1. CRM-M-52239-2022 (O&M)

Pargat Singh

... Petitioner

Vs.

State of Punjab

.. Respondent

2. CRM-M-54026-2022 (O&M)

Gurdit Singh

... Petitioner

Vs.

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Atul Goyal, Advocate
for the petitioner (s).

Mr. Shubham Kaushik, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in both these petitions is for grant of anticipatory bail to

petitioners Pargat Singh and Gurdit Singh, in FIR No.126 dated 08.10.2022 under Section 379 IPC and Section 21 of Mines and Minerals (Development and Regulation) Act, 1957, registered at Police Station Meharban, District Police Commissionerate Ludhiana.

Learned counsel for the petitioners submits that as per allegations in the FIR, on intervening night of 07/08.10.2022, the police party, which was on patrol duty, saw some persons doing illegal mining. Thereafter, when they approached the place, owners of tractors-trolleys ran away and same were taken in possession by the police as well as JE-cum-Mining Officer. It is further submitted that the petitioners are not owners of tractors-trolleys, which were taken in possession from the spot and even the petitioners were not apprehended from the spot.

Status report by way of affidavit of ACP (Special Branch), Ludhiana, having additional charge of ACP (East) Ludhiana is on record, in which it is stated the accused persons were committing the offence of illegal mining. When the police party reached at the spot, the persons ran away and two tractors-trolleys were taken in possession.

Learned State counsel, on instructions from HC Harvarinder Singh, submits that on verification, it has been found that the tractors-trolleys belong to the petitioners. It is further submitted that petitioner Pargat Singh is involved in one more case/FIR No.126 of 2020 under Sections 379 IPC and Section 21 of Mining and Minerals Regulation Act, Police Station Koom Kalan

and petitioner Gurdit Singh is involved in three more cases/FIRs i.e. FIR No.49 dated 25.02.2017 under Section 379 IPC and Section 21 of Mining and Minerals Regulation Act, Police Station Meharban, Ludhiana, FIR No.47 dated 05.05.2020 under Sections 188, 269, 270, 379 IPC and Section 21 of Mining and Minerals Regulation Act, Police Station Meharban, Ludhiana and FIR No.126 of 2020 under Sections 379 IPC and Section 21 of Mining and Minerals Regulation Act, Police Station Koom Kalan. It is also submitted that the petitioners are habitual of committing the offence of illegal mining, which is a big nuisance in the State of Punjab.

After hearing learned counsel for the parties and considering the aforesaid facts and circumstances of the case, I find no ground to grant the concession of anticipatory bail to the petitioners.

Accordingly, both the petitions are dismissed.

A photocopy of this order be placed on the file of connected case.

[ARVIND SINGH SANGWAN]
JUDGE

07.12.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No