

**In the High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-55449-2022 (O&M)  
Date of Decision:-30.11.2022

Jasvir Lal and another

... Petitioners

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Vishal Thakur, Advocate for the petitioners.

Mr. Aman Dhir, DAG, Punjab.

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**GURVINDER SINGH GILL, J.** (Oral)

1. The petitioners seek grant of anticipatory bail in respect of a case registered vide FIR No.191, dated 10.11.2022, Police Station Bullowal, District Hoshiarpur, under Section 21(1) of Mines and Minerals (Development & Regulations) Act, 1957 and Sections 379 and 506 of Indian Penal Code.
2. As per the case of prosecution, on 10.11.2022 during the course of routine patrolling, the mining officials came across some persons, who were loading sand in a tractor trolley i.e. a red coloured Mahindra 575 DI XPR. However, upon noticing the mining officials, the persons fled away from the spot. Another blue coloured tractor trolley i.e. a blue coloured Mahindra 395 DI TURBO, was also seen parked nearby in which also some sand had been loaded though in a lesser quantity. The mining officials passed on the said

information to the police officials. It is alleged that in the meantime two persons came at the spot riding a scooter i.e. Honda Activa bearing registration No.PB-07-BY-3776 and stated that both the tractors-trolleys belong to them and that they had undertaken mining work in the said area and also threatened the mining officials. One of them is stated to have disclosed his name as Kala. It is further alleged that the said persons while threatening the mining officials took away a tractor-trolley i.e. Mahindra 575 DI XPR from the spot.

3. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and that they were never present at the spot. Learned counsel for the petitioners further submits that there is no evidence worth credence to show that the petitioners were indulging in illegal mining. It has also been submitted that since the recovery of tractors-trolleys as well as scooter already stands effected, custody of the petitioners is not required for any useful purpose.
4. Opposing the petition, learned State counsel has submitted that one of the tractor trolley i.e. Mahindra 395 DI TURBO blue coloured is owned by petitioner No.1-Jasvir Lal, whereas the other tractor trolley i.e. Mahindra 575 DI XPR red coloured is owned by petitioner No.2-Harjinder Singh @ Kala. It has been informed by learned State counsel that petitioner No.1-Jasvir Lal otherwise also stands involved in one more case for offence under Mines and Minerals (Development & Regulations) Act, 1957.
5. This Court has considered the rival submissions.
6. Keeping in view the fact that both the tractors-trolleys found at the spot were owned by both the petitioners individually, the same would point towards the

involvement of the petitioners. In these circumstances, the matter in hand is certainly such where custodial interrogation of the petitioners would be required. The instant petition is sans merit and is hereby dismissed.

**30.11.2022**

pankaj

**( Gurvinder Singh Gill )  
Judge**

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|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |