

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-56139-2022

Date of Decision: 05.12.2022

Mohammad Rafi

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Manoj Kumar Sharma, Advocate
for the petitioner

Sandeep Moudgil, J. (Oral)

Learned counsel for the petitioner has filed the present petition seeking anticipatory bail in case FIR No. 180 dated 10.11.2022 under Sections 379 IPC and 21(1)/4(1) of the Mines and Minerals (Regulations of Development) Act, 1957 (Annexure P1) registered at Police Station Macchiwara, District Khanna (Ludhiana).

Counsel for the petitioner has referred to the order dated 23.11.2022 (Annexure P3) passed by the Id. Additional Sessions Judge, Ludhiana vide which the bail application of the petitioner was dismissed on account of the fact that another FIR No. 264 dated 23.11.2004 under Sections 279/411 IPC and Section 21 of Mining Act has been registered at Police Station Macchiwara, District Khanna (Ludhiana), as per the report received from the Ahlmad of the Court.

However, as far as the contention of the petitioner relates to the fact that he is neither named in the present FIR nor nominated as an accused, subsequently, during the course of the investigation, there was no occasion

for the petitioner to approach the Courts below for seeking anticipatory bail in the present FIR No. 180 dated 10.11.2022.

This Court is of the considered view that since the applicant-petitioner is not named in the FIR, and neither the police has attempted to take him in the custody in the present FIR, and the petitioner has made an attempt to seek anticipatory bail, rather than in the present FIR and in the another FIR No. 264 dated 23.11.2004 under Sections 279/411 IPC and Section 21 of Mining Act registered at Police Station Macchiwara, District Khanna (Ludhiana), therefore, the present petition is totally misconceived and misdirected.

In view of the same, the present petition is dismissed with cost of Rs. 10,000/- for not approaching this Court with clean hands.

The amount of the cost shall be deposited in the High Court Lawyers' Welfare Fund.

Order accordingly.

05.12.2022

V. Vishal

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Sandeep Moudgil)
Judge

Yes/No
Yes/No