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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-14272-2023
Date of Decision: 30.05.2023

Sanjeev Kumar Rana Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Karnail Singh Ahhi, Advocate
for the petitioner.

Mr. Harjinder S. Sidhu, AAG, Punjab.

HARSH BUNGER J. (ORAL)

Prayer in the present petition, filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to the petitioner in case FIR No.61 dated 12.05.2022, under Sections 21(1) and 4(1) of the Mines and Minerals (Regulation and Development Act) 1957 and Section 379 of the Indian Penal Code, 1860, at Police Station Nangal, District Rupnagar, Punjab.

2. Upon issuance of notice, status report by way of an affidavit of Satish Kumar, P.P.S., Deputy Superintendent of Police, Nangal, District Rupnagar, Punjab, on behalf of respondent/State has been filed, which is already taken on record.

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3. Custody certificate dated 26.05.2023 of the petitioner has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.

4. Brief facts of the present case are that on 12.05.2022, a complaint regarding illegal mining at Rana Stone Crusher situated at Village Bhargal was received from complaint-Harjinder Singh, Junior Engineer-cum-Mining Inspector. On 15.05.2022, a raid was conducted by the Police Party at Rana Stone Crusher where complaint met them and found that certain places were dug upto about 42,000 CFT and 198720 CFT (soil was found drained). The owners of the crusher could not produce any documents of the crusher and crusher was found unregistered. It is also found that the place from where the said illegal mining was being done is not the approved mine of Punjab Government. Accordingly, the present case FIR was registered.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is submitted that the petitioner has been a scapegoat in the entire case as the main accused i.e. owner of the Rana Stone Crusher and owners of land have been exonerated in the instant case and now they have been made witnesses in the present case. Learned counsel for the petitioner submits that the Investigating Officer has specifically mentioned that the petitioner-Sanjeev Kumar was nominated on the basis of the statement made by one Gurnam Singh. It is stated that the only incriminating material against the petitioner is an alleged rent agreement between the petitioner and the owner of Machinery of Rana Stone Crusher, which is stated to be a sham document as the signature of the

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petitioner were taken on blank paper and later on it is stated to have been converted into a rent agreement. It is further stated that the petitioner has been in custody since 29.11.2022 and charges have been framed on 07.01.2023. Learned counsel for the petitioner submits that there are total 14 witnesses but only 2 witnesses have been examined so far and the trial would take some time and there is no other case against the petitioner. Learned counsel next submits that the bail application moved by the petitioner under Section 439 of the Code of Criminal Procedure Code, for grant of regular bail has wrongly been dismissed by learned Additional Sessions Judge, Rupnagar, vide its order dated 17.12.2022 (Annexure P-2). It is also submitted that the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court; accordingly prayer for grant of regular bail is made.

6. Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offence. However, it is not disputed that the petitioner has been in custody for 05 months and 28 days (as on 26.05.2023) and charges have been framed. It is also not disputed that there is no other case against the petitioner.

7. I have heard learned counsel for the parties and perused the paper book, status report as well as custody certificate filed by learned State counsel, in Court today.

8. In the instant case, the petitioner has been in custody for more than 05 months (as on 26.05.2023) and charges have been framed. Out of 14 witnesses only 02 witnesses have been examined. As per custody certificate, there is no other case against the petitioner. The trial

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is likely to take long time and no useful purpose would be served by keeping the petitioner behind the bars for indefinite period.

9. Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity, during the pendency of the trial.

10. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

11. The petition is accordingly disposed of.

30.05.2023
Himani

(HARSH BUNGER)
JUDGE

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