

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14821-2023
Date of Decision: March 28, 2023

PARVESH KAUSHIK Petitioner
Versus
STATE OF HARYANA Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vikas Gulia, Advocate for petitioner.
Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.
Mr. Amandeep Sheoran, Advocate for complainant.
Mr. Yogesh Goel, Advocate for the victim.

HARKESH MANUJA, J. (ORAL)

By way of present petition, filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No.88 dated 28.02.2023 under Sections 148, 149, 323, 379-B and 506 IPC registered at Police Station Murthal, District Sonipat.

As per allegations levelled against the petitioner, he was part of an assembly of five persons who allegedly waylaid the complainant and dragged him out of his truck and gave injuries him by snatching of Rs.7,200 from the pocket of victim.

Learned counsel for petitioner submits that FIR in question is an offshoot of a writ petition filed by petitioner along with few other residents of village Nandnaur, Sonipat, Haryana against the alleged illegal mining activity being carried out in the area by “ M/s. Zelkova Mining Company” which has employed few vehicles for the said purpose and out of which one is being driven by the complainant, in violation of the terms of the license

awarded in favour of company. Learned counsel further submits that on account of resistance having been shown by the petitioner along with other residents of village, the petitioner has been got involved in three other FIRs with almost similar allegations, wherein, he has already been granted concession of interim bail. He further submits that the petitioner is already behind the bars for a period of almost one month now and no useful purpose is going to be served by keeping him inside the jail.

On the other hand, learned State counsel assisted Mr. Yogesh Goel, Advocate who is appearing on behalf of victim vehemently opposes the prayer made by petitioner while submitting that the petitioner is in a habit of causing hindrance in the mining work. It has been further submitted that the investigation in the present case is under progress and in case, the petitioner is enlarged on bail, the same would be affected. Besides it, there has been no opposition from the side of complainant who has been represented by Mr. A.S. Sheoran, Advocate.

I have heard learned counsel for the parties and have gone through the paper-book. I find substance in the submissions made on the behalf of the petitioner.

From the records, it appears to be a conflict between the villagers and the mining Company who has got the mining license from the authorities. Even if, one goes through the contents of the FIR, besides the petitioner being present at the spot no active role has been

attributed or assigned to him in the FIR. The date of registration of FIR also becomes significant in view of the fact that the petitioner filed writ petition against “Zelkova Mining Company” bearing No.CWP-2705-2023 titled as “ Parvesh and Others Vs. State of Haryana and Ors.” which was taken up for hearing on 09.02.2023, wherein, notice of motion has been issued. The petitioner has already suffered incarceration for a period of almost 26 days and the apprehension of the investigating agency as regards the creating of any kind of hindrance by the petitioner in the investigation appears to be far-fetched.

At this stage, without commenting upon merits of present petition, the same is allowed. Petitioner is ordered to be released on bail subject to his furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

28.03.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>