

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-29465-2018

Decided on : March 01, 2023

Surain Singh and another.

..... Petitioners

Versus

State of Punjab and others.

..... Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioners.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (Oral)

None has put in appearance on behalf of the petitioners on 04.08.2022 and the matter was adjourned to 31.10.2022. On 31.10.2022 also, none had appeared on behalf of the petitioners and the matter was adjourned for today and even today also no one is present on behalf of the petitioners.

The instant petition has been filed under Section 482 of Cr.P.C. seeking directions to the official respondents to protect the life and liberty of the petitioners. It has further been prayed for issuance of directions to formulate a Special Task Force to get the matter investigated in a proper and independent manner with regard to the illegal mining.

In pursuance to issuance of notice of motion, reply by way of affidavit dated 13.01.2019 of Mr. Varinder Kumar Sharma, Deputy Commissioner, Jalandhar has been filed on behalf of respondent no.3 and another affidavit dated 03.05.2019 of Mr. Lakhvir Singh, PPS, Deputy Superintendent of Police, Sub-Division Shahkot, Jalandhar has been filed on behalf of respondent nos.4 and 5.

Para nos. 4 to 7 of the affidavit dated 03.05.2019 reads as under:-

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4. *That answering respondent has conducted various measures under the direction of state government to stop illegal sand mining in the Jalandhar Range falls under the jurisdiction of answering respondent and as and when information was received by answering respondent from respondent no.2 or his authorized representative quick action was taken by answering respondent.*
5. *That answering respondent have served memos to petitioners i.e. Surain Singh and Mohan Singh to record their statement about threat perception to them and it was transpired that petitioner no.2 i.e. Mohan Singh has already been died on 01.02.2019 and Surain Singh i.e. petitioner no.1 did not come present to record his statement.*
6. *That in response to complaints of illegal mining , following FIRs have been registered:-*

(i) *FIR no . 50 dated 28.04.2018 u/s 21 Mining Act sec. 379 IPC was registered at P.S. Mehatpur was registered on the statement of Paramjit Mining officer Jalandhar however during raid accused fled away from the spot and vehicle no. PB10- DZ-6875 make Tipper, PB29-S-4242 make Tipper, PB10-DK-0716 make Tipper, PB08-AX 6973 make Tipper, PB19-H-1220 make Tipper*

and PB29-R-8296 Make Tipper were recovered from the spot in empty condition and during further investigation it has come on record that alleged mining was conducted at different place and FIR no. 51 dated 29.04.2017 u/s 21 Mining Act and Section 379 IPC was already registered against Munish Grover as such cancellation report was prepared in the present case on 30.07.2018 and is ready to be presented in the Ld. Trial Court.

(ii) FIR no. 51 dated 29.04.2018 u/s 21 Mines Act and Section 379 IPC P.S. Mehatpur was registered against Munish Grover and after completion of investigation final report U/s 173 Cr.P.C. has already been presented in the concerned trial court on 07.02.2019 and now the trial is pending for 29.04.2019 before Ld. Trial Court.

(ii) FIR no.52 dated 04.05.2018 u/s 21 Mining Act and Section 379 IPC was registered at P.S. Mehatpur in which cancellation report has been prepared in the said case and presented in the concerned trial court and was allowed by court of Ms. Tanveer Ld . JMIC Nakodar vide order dated 04.10.2018.

7. That answering respondent has duly performed their official duties to control illegal mining in the area falls under the jurisdiction of answering respondent and answering respondent never committed dereliction in performing the official duties. ”

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From the perusal of the reproduction made above, it has come out that petitioner no.2 – Mohan Singh has already died on 01.02.2019 and the petitioner no.1 – Surain Singh did not appear for recording his statement.

With regard to the illegal mining, it has been submitted that 03 FIRs i.e. FIR No.50 dated 28.04.2018; FIR No.51 dated 29.04.2018 and FIR No.52 dated 04.05.2018 under Section 21 of the Mining Act and Section 379 of IPC have already been registered and after investigation further necessary action has also been taken by the police on the said FIRs.

In view of the above, nothing further survives in the present petition and the same is hereby disposed of, accordingly.

March 01, 2023

mkkoundal

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : ***Yes/No***

Whether reportable : ***Yes/No***