

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 104

CRM-M-22058-2023

Date of decision : 09.05.2023

Karamjit Singh @ Karam Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Kuldip Singh, Advocate, for the petitioner.

Mr.Arun Luthra, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

1. Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.212 dated 29.08.2019 registered under Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 379 IPC at Police Station Sadar Fazilka, District Fazilka.

2. The petitioner is being prosecuted for having indulged in illegal mining.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner was granted ad interim bail by the Sessions Court at Fazilka but could not join investigation on account of a communication gap between him and his counsel appearing for him before the Sessions Court; even if the petitioner is involved in another case of similar nature that cannot be made the basis to deny him anticipatory bail in the present case and that now the petitioner is also ready and willing to join and cooperate with the investigation.

4. Learned State counsel opposes the present petition.

5. Learned counsel for the parties have been heard and with their able assistance record of the case has also been perused.

6. The petitioner is involved in another case of similar nature. The petitioner has also not disclosed in this petition that another case with similar allegations as in the FIR in question stands registered against him. Rather, he has stated in para 16 of the present petition that there is no other FIR registered against him. Such declaration is false and misleading.
7. The petitioner was granted ad interim bail by the Sessions Court at Fazilka but he failed to join the investigation process. The reason given by the petitioner for such conduct is that there was a communication gap between him and his counsel. The same is found to be vague and unsubstantiated.
8. In the light of the above and because the petitioner is alleged to have consistently indulged in illegal mining, this Court is of the opinion that the present petition does not merit acceptance.
9. Dismissed.

09.05.2023
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No