

(101)

2023:PHHC:076449

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26482 of 2023

Date of Decision: May 25, 2023

Mehtab ...Petitioner
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Balraj Gujjar, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 438 Cr.P.C, petitioner prays for an anticipatory bail in case FIR No.127 dated 04.05.2023 registered under Sections 186/249/336/379 IPC and Section 21(1) of Mine and Minerals (Regulation and Development) Act, 1957 at Police Station Chhachrouli, District Yamunanagar.

Dumper No.HR58B-2199 loaded with stone boulder was found coming from the side of Village Mahiudeenpur. As the Police party asked to stop the same, the unknown driver suddenly took u-turn and started unloading the dumper on the way by raising the lift and thus blocked the way. FIR was lodged. During investigation, Aashik Khan, the owner of the truck was arrested. In his disclosure statement, he nominated the petitioner to be driver of the vehicle.

It is contended by learned counsel that petitioner is not named in the FIR; that he was not owner of the dumper in question; that offences in question are triable by the Magistrate.

Perusal of the petition reveals that nowhere it is contended by the petitioner that he was not the driver of the dumper in question. It

is the owner of the vehicle who has disclosed the petitioner to be driver.

In view of the above circumstances, interrogation of the petitioner may be necessary so as to unearth the truth as to from where the petitioner brought the illegally mined boulder. No case for anticipatory bail is made out.

Dismissed.

May 25, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No