

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.46953 of 2023 (O&M)
DATE OF DECISION: 22nd SEPTEMBER, 2023

Gurmeet Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Harpal Singh Sidhu, Advocate
for the petitioner.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.199 dated 09.09.2023 registered under Section 21 of the Mine and Minerals Act, 1957 and Sections 379 and 411 IPC at Police Station Dharamkot, District Moga.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the petitioner is alleged to have taken out some sand from his own land. There is no allegation that the petitioner had stolen the sand either from any public place or from anybody else land. Even in that regard, the allegation is that the petitioner was found in possession of 100 cubic feet of mined sand. Even that allegation is not substantiated to any

extent, by any means. To falsely implicate the petitioner, the police have shown the recovery of tractor-trolley of the petitioner from the premises of the petitioner. By any means, that does not connect the petitioner to any crime. The petitioner is ready to join the investigation as and when called by the Investigating Officer. Therefore, the petitioner deserves to be protected against his arrest.

3. Notice of motion.

4. Mr. Sandeep, Additional Advocate General, Punjab, accepts notice on behalf of the respondent-State.

5. Learned State counsel, being instructed by ASI Jaswinder Singh, has submitted that the petitioner was found doing illegal mining, though in his own land. The petitioner was found in possession of 100 cubic feet of the mined sand at the time of raid. There is another case against the petitioner as well, in which also he was found mining in his own land. However, it is not disputed by learned State counsel that to connect the petitioner to the alleged crime, the police have shown the recovery of tractor-trolley of the petitioner only from the premises of the petitioner and not from any specified mining site or at any other common place.

6. In view of the above, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of her arrest, the petitioner shall be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, it is further directed that the petitioner shall join the

investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

22nd SEPTEMBER, 2023
‘sandeep’

(RAJBIR SEHRAWAT)
JUDGE

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