

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CRM-M-62035-2023

Date of Decision : December 11, 2023

SUKHPREET SINGH

-Petitioner

V/S

STATE OF PUNJAB

-Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Naresh Jain, Advocate
for the petitioner.

Ms. Kanica Sachdeva, A.A.G., Punjab

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail in case FIR No.105 dated 26.12.2022, under Section 21(1), 4(1) of Mines and Minerals (Development and Regulation) Act, 1957, registered at P.S. Sadar Rupnagar, District Rupnagar.
2. What has triggered the petitioner to access this Court, through the instant petition, is the declining order dated 20.10.2023 (Annexure P-3), as made by learned Additional Sessions Judge, Rupnagar, upon his application for grant of anticipatory bail.
3. The instant FIR was registered on the complaint made by one Rakshit Chaudhary, J.E.-cum-Mining Inspector, wherein, he alleged that on 26.12.2022, at about 09:15 p.m., in the area of Village Purkhali, two Khad (Pits) bearing Coordinator No.30.922833, 76.6358252 and 30.925800, 76.641900 were being filled with the soil/earth after doing

illegal mining. The petitioner/accused showed permission bearing No. VIN-RUP/383/2022/# 371-D- Harjinder Singh son of Karnail Singh, VIN RUP/37/2022-23/# 328 D- Karvinder Singh son of Sawan Singh and VIN-RUP/386 2022-23 # 31 Sham Lal son of Som Nath. An illegal mining of measuring L=100ft B=240ft d=12ft- 2,88,000 cft and L=300ft B=150 ft= d=8ft – 3,60,000 cft have been done. The petitioner/accused is owner of the land from where the illegal mining was done.

4. The sole allegation against the petitioner is that he did illegal mining of gravel and earth.

5. The learned counsel for the petitioner, in his asking for the relief (supra), has placed reliance upon the permit(s) (supra), to contend that no offence whatsoever has been committed by the petitioner, rather he has been falsely implicated in the instant FIR.

6. Notice of motion.

7. Ms. Kanica Sachdeva, A.A.G., Punjab, waives service of notice on behalf of the respondent-State, and, informs this Court that the petitioner is a habitual offender, as he is involved in eight more cases of similar nature.

8. Faced with the above situation, the learned counsel for the petitioner submits that the petitioner has been granted the concession of bail in all those cases, except one case. Moreover, he also makes an undertaking before this Court, upon instructions from his client, that henceforth the petitioner will not indulge in commission of any offence(s).

9. In view of the above, especially the undertaking given by the

learned counsel for the petitioner, this Court deems it appropriate to grant the relief of anticipatory bail to the petitioner.

10. Therefore, in the event of petitioner's arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency, in case he is required for the same in future, as and when called upon to do so.

11. Moreover, in case, at any given point of time hereinafter, the petitioner is found indulging in commission of any similar offence(s), the respondent-State shall be at liberty to seek cancellation of the relief, as granted hereinabove by this Court.

12. The petition stands disposed of accordingly.

December 11, 2023
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No