

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1083-2024
Date of Decision:15.01.2024

Nasib Chand ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Arnav Ghai, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 138 dated 12.09.2023 registered under Sections 21 (1), 4(1) of Mines and Minerals (Regulation of Development) Act and under Section 379,120 of IPC added later on, Police Station Nangal, Rupnagar.
2. The FIR in the present case was registered on the basis of complaint moved by JE-cum-Mining Inspector and the same has been reproduced below:-

The Station House Officer, Police station Nangal. Subject: Regarding taking action on illegal mining. Reference: Canal Telegram No.76 dated 11.09.2023 of the Superintending Engineer, in the land of village Nangaran Bhallari. respect of the In above subject and under reference, yesterday on 11.09.2023, the team of Sub-Division Nangal and Superintending Engineer, during the general checking have found that in the land near Bhallan stone

Crusher and Sri Ram Crusher, the proof of illegal mining and dig has been found. This illegal mining seemed to be done by both these crushers. Its coordinates are 31.293009 76.341995 and its quantity is about 6,25,000 CFT. Illegal mining is an offence. Thus, legal action be taken against the owners of the above land under Section 21 (1), 4 (1) of M.M.D.R. Act, 1957. The report of the ownership of the land is liable to be taken from the revenue department. Sd/- Manreet Singh, JE-cum-Mining Inspector, C/C SDO Nangal.

3. Learned counsel for the petitioner contends that the petitioner is the owner of Shri Ram Stone Crusher and Bhalla Stone Crusher and he has been running the crushers, after purchasing raw mining material from the authorised Government departments. He further contends that the electricity connection of Shri Ram Stone Crusher was dis-connected on 03.10.2022 and it is lying closed since then. He further contends that the petitioner has been falsely involved in the present case only on the basis of suspicion and the FIR has been registered against the present petitioner. Learned counsel next contends that the petitioner was arrested in the present case on 26.11.2023 and the challan has already been presented against him and the further custody of the petitioner will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that three more cases have been ordered to be registered against the present petitioner, however, all the cases were registered under the provisions of Mines Act.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, the offences are triable by the Court of

Magistrate. The petitioner is continuing in custody since 26.11.2023 and the challan has already been registered against him and further custody of the petitioner will serve no meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

15.01.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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