

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-3868-2024 (O&M)
Date of Decision:-4.3.2024

Prem Singla ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai, Advocate and
Mr. Saurav Dogra, Advocate for the petitioner.

Mr. Vinay Kumar Malhotra, DAG, Punjab,
assisted by ASI Tajinder Singh.

FIR No.	Dated	Police Station	Section/s
154	11.10.2023	Nangal, Rupnagar	21(1) and 4(1) of Mines and Minerals (Regulation of Development) Act, 1957

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. As per the FIR, a post in the shape of a video was received through ‘whatsapp’ by the police indicating that one poclain machine and one tipper was being used for the purpose of illegal mining. Pursuant to receipt of said information, the police went to the premises of ‘M/s Ganga Stone Crusher’,

where an unauthorized pit was found on the back side of crusher. It is further the case of prosecution that the land, where the pit was found to have been dug, is owned by the petitioner, who is also the proprietor of 'M/s Ganga Stone Crusher'.

3. Reply by way of affidavit of Shri Ajay Singh, PPS, Deputy Superintendent of Police, PS Nangar, District Rupnagar has been filed by learned State counsel, which is taken on record.
4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that as a matter of fact 3 different FIRs with respect to the same khasra number have been lodged. Learned counsel, in this regard, has referred to the rough site plan prepared by the Investigating Officer in the different cases, a perusal of which would show that in two of the cases the pit in question is shown to be situated South of the Office of M/s Ganga Stone Crusher, whereas in one case the pit is shown to be North of the Office of M/s Ganga Stone Crusher. Somehow, the proper location or the distances of the said pits from the Office of Ganga Stone Crusher are nowhere mentioned. It has been submitted that under these circumstances, it will be debatable as to whether both the cases pertain to a same pit on southern side or to a different pit. It has been submitted that, in any case, the petitioner has been behind bars for a substantial period of about 2 months and 20 days and challan already stands presented.
5. Learned State counsel has vehemently opposed the petition while submitting that the petitioner is a habitual offender having been involved in as many as 8 cases. Learned State counsel submitted that having regard to the fact that the land in question where illegal mining was undertaken belongs to the

petitioner, who also happens to be owner of the stone crusher, his complicity is clearly evident. However, learned State counsel even upon instructions from ASI Tajinder Singh, could not furnish any satisfactory answer as regards the correct location of the pit in question particularly when the pit as shown in 2 cases is simply shown to be situated South of the Office of M/s Ganga Stone Crusher and the distances are nowhere mentioned.

6. Without commenting anything as regards merits of the case but having regard to the fact that investigation is already complete and challan has been presented and the trial is yet to commence, further detention of the petitioner will not serve any useful purpose. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. It is, however, specifically clarified that the aforesaid observations have been made solely for the purpose of disposal of the present petition and are not to be construed as any kind of expression on the merits of the main case and the Trial Court shall proceed with the matter independently without being influenced in any manner by the aforesaid observations.

4.3.2024

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No