

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CRM-M-3900-2024
Date of Decision: 30.01.2024

Prem SinglaPetitioner

VERSUS

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Mr. Virat Rana, AAG, Punjab.

KARAMJIT SINGH, J.

1. Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case having FIR No. 158 dated 17.10.2023 registered under Sections 21(1) and 4(1) of Mines and Minerals (Regulation of Development) Act, 1957 at Police Station Nangal, Rupnagar.
2. The FIR in this case was registered on the basis of the complaint lodged by Mining Officer alleging that the persons associated with Ganga Stone Crusher were indulging in illegal mining in the adjoining area of said stone crusher. During investigation, the petitioner being owner/partner of Ganga Stone Crusher was arrested on 11.12.2023.
3. Counsel for the petitioner submits that the petitioner was not named in the FIR and was later on nominated as accused on the basis of false allegations. It is further submitted that the recoveries in the present case are already effected and on completion of investigation police presented the

challan but it will take considerable time for the trial to conclude, after its commencement. So, prayer is made that the petitioner be released on regular bail.

4. Present petition is resisted by the State counsel, who submits that the petitioner being owner of Ganga Stone Crusher, was doing illegal mining with the help of his employees in the area adjacent to his stone crusher. However, the State counsel on instructions from ASI Jarnail Singh has not disputed the fact that the petitioner was arrested in this case on 11.12.2023 and recovery of one Loader and Tipper was effected by the police from the place of occurrence. The State counsel has not disputed the fact that the petitioner is not specifically named in the FIR and that on completion of investigation challan has been presented but charges are still to be framed against the petitioner.

5. I have considered the submissions made by the counsel for the parties.

6. All the offences are triable by the Court of Judicial Magistrate. The recoveries are already effected in this case and petitioner who was arrested on 11.12.2023, after getting his production warrant he is presently lodged in judicial custody. Further on completion of investigation, police has presented challan against the petitioner in the Court concerned but the trial will commence after the framing of charges and even thereafter it will take considerable time for trial to conclude.

7. In light of the above, no useful purpose is going to be served by detaining the petitioner in custody for any longer period, even if the petitioner is involved in some other cases of similar nature.

8. For the foregoing reasons, without commenting on the merits of the case, the present petition is allowed and the petitioner is directed to be

released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and the petitioner should not indulge in such like criminal activity in future.

(KARAMJIT SINGH)
JUDGE

30.01.2024
Priyanka Thakur

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