

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.7843 of 2024 (O&M)

Date of Decision: 22.02.2024

Amardeep @ Chuchu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Karan Singla, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.137 dated 21.06.2023, under Section 21 of the Mines and Minerals Act and Section 379 of the Indian Penal Code, 1860, registered at Police Station Raipur Rani, District Panchkula.

(2) Above FIR was registered on the basis of statement made by complainant-Mining Inspector from the Office of Mining Officer, Mines and Minerals Department, Panchkula, which is based upon inspection conducted by him and further information gathered from one complainant-Narata Ram with the allegations that petitioner, along with other co-accused, is involved in illegal mining with the help of machines/vehicles etc.

(3) Reply by way of an affidavit dated 20.02.2024 of Sh. Surender Singh, ACP, Panchkula has been filed on behalf of respondent/State. The same is taken on record. Copy thereof supplied to the opposite side.

- (4) Learned Counsel for the petitioner contends that petitioner has been falsely implicated in the present case and he has not committed any offence; hence, his custodial interrogation is not required.
- (5) *Per contra*, learned State Counsel on instructions from the police official opposed the bail while submitting that two other criminal cases of similar nature are pending against the petitioner. Also submitted that on 17.01.2024, the tipper of petitioner bearing registration No.HR-68-B-4283, carrying illegally mined material, was taken into possession from a *naka*, put up by the police; thus, his custodial interrogation is required to know the *modus operandi* in illegal mining.
- (6) Heard learned Counsel for the parties and perused the paper-book.
- (7) It is a matter of record that petitioner is involved in two more FIRs of similar nature. Also discernible from police file that his tipper along with mined material was taken into possession by the police. Thus, *prima facie*, complicity of the petitioner is apparent; hence, his custodial interrogation is very much necessary to know the truth.
- (8) In view of the above, there is no option except to dismiss the petition.
- (9) Ordered accordingly.
- (10) The above observations may not be construed as an expression of opinion on merits of the case.
- (11) Pending application(s), if any, shall also stand disposed off.

22nd February, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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