



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

CRM-M-10666-2024 (O&M)
Date of Decision:- 27.08.2024

Gursharan Singh Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Shivani Sharma, Advocate, for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Ram Lal.

FIR NO.	DATE	POLICE STATION	OFFENCES
70	16.11.2023	Taragarh, District Pathankot	21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 379 IPC

GURVINDER SINGH GILL, J. (Oral)

- The instant petition has been filed on behalf of the petitioner seeking grant of anticipatory bail in respect of aforementioned FIR.
- At the time of issuance of interim bail the following order was passed on 29.02.2024:

“The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.70, dated 16.11.2023 at Police



Station Taragarh, District Pathankot, under Section 21(1) of Mines and Mineral (Development and Regulation) Act, 1957 and Section 379 of Indian Penal Code.

The allegations, in nutshell, are that illegal mining was being undertaken at Ravi Stone Crusher, Kirri, which was owned by petitioner Gursharan Singh. It is further the case of prosecution that when a raid was conducted, one hydraulic excavator was found at the spot and illegal mining was noticed to have been undertaken on an area measuring 5 X 20 X 8.

Learned counsel for the petitioner submitted that while admittedly the petitioner is owner of Ravi Stone Crusher, Kirri, but much before lodging of FIR, which was lodged on 16.11.2023, the petitioner had gone abroad. It has been submitted that the petitioner had left the country on 11.9.2023 and returned back on 13.1.2024. Learned counsel, in this regard, has drawn the attention of this Court to a copy of passport (Annexure P-2) of the petitioner, indicating his date of departure from the country as 13.9.2023 and arrival back on 13.1.2024. It has been submitted that even if it is accepted that some illegal mining had been undertaken on the premises of the petitioner, still the petitioner cannot be attributed knowledge in respect of the same and that the same might have been undertaken by anybody else or anyone of his employee.

Notice of motion for 27.8.2024.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall



join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

- 3. Learned State counsel has submitted that the petitioner has joined investigation but has not cooperated as he has not got the Bill of Poclain Machine recovered.
- 4. This Court has considered the rival submissions.
- 5. The petitioner admittedly has joined investigation. Non-recovery of the articles cannot be made a ground for declining the petition particularly when the petitioner is not even stated to be owner of said Poclain Machine. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 29.02.2024 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

27.08.2024

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(GURVINDER SINGH GILL)
JUDGE

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