



212 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-30477-2024
Date of decision: 2nd August, 2024

Rajinder Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Naveen Batra, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J (ORAL):-

The instant petition has been filed by the petitioner under Section 438 of Cr.P.C. seeking anticipatory bail in case arising out of FIR No. 146 dated 29.09.2023 registered under Sections 21(1), 4(1) of the Mines and Mineral (Development & Regulation) Act, 1957 (for short 'the MMDR Act 1957') at Police Station Nangal, District Rupnagar, on the basis of a complaint lodged by the Junior Engineer on the allegations that the officials of Mining Department had been conducting checking of crushers on the land abutting New Satluj Stone Crusher, Unit I, when it was noticed that illegal mining in the crusher to the extent of 1,20,000 Cft had been done. Since the petitioner had taken this crusher on rent vide an agreement dated 23.02.2023, therefore, it appeared that the illegal mining work had been conducted by him. On receipt of the complaint, an inquiry was conducted by



DSP, Sub-Division, Nangal and as per the report submitted by him, a case bearing FIR No. 142 dated 20.10.2022 had been registered for committing offence of illegal mining from the same crusher on the complaint of Mining Inspector against one Sanjay Kumar and another FIR No. 71 dated 06.06.2023 has also been registered. As per this report, no evidence of doing illegal mining by the crusher run by the petitioner was found. However, this report was not accepted and the instant FIR was registered. Investigation is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail, which has been dismissed vide order dated 14.06.2024 passed by learned Additional Sessions Judge, Rupnagar.

2. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He has been earning his livelihood by taking 'New Satluj Stone Crusher' on rent. All the due permissions from the respective departments have also been taken. He came to know about the lodging of the FIR only on receipt of cancellation of permission. Inquiry had been conducted in the matter and no offence has been proved to be committed by him. Even otherwise, cognizance under Section 21(1) of the Act 1957 can be taken only on the complaint filed before the Court and not otherwise. The petitioner has already joined investigation on 24.07.2024. No recovery is to be effected from him. His custodial interrogation is not required. Therefore, it is argued that the petition deserves to be allowed.

3. *Per contra*, it has been argued by learned State counsel that keeping in view the severity of the allegations as levelled against the



petitioner, he does not deserve to be given concession of pre-arrest bail, however, it is admitted by learned State counsel that the petitioner has joined the investigation.

4. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

5. Vide order dated 18.07.2024, the petitioner was directed to join the investigation. As submitted, today, he has joined the investigation, custodial interrogation of the petitioner is no more required. The present petition is allowed and the order dated 18.07.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

[MANISHA BATRA]
JUDGE

2nd August, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |