

2024:PHHC:100784



208.

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

CRM-M-30541-2024

Date of decision: 05.08.2024

Paramjit Singh and others

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Jitender Singh Dadwal, Advocate, for the petitioners.

Ms. Manjot Kaur, AAG, Punjab.

GURBIR SINGH, J.

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.0075, dated 26.05.2024, registered under Sections 379, 353, 186, 411, 427, 506, 148, 149 of IPC, 1860 and Sections 21, 54 of Mines and Minerals (Regulation of Development) Act, 1957 at Police Station Shahkot, District Jalandhar Rural.

2. The aforesaid FIR was registered on the statement of Jagsir Singh, District Mining Officer, Faridkot. On that day, he was instructed by the Head Office for checking of illegal mining at a particular location. He along with other officials reached at the disclosed location where it was found that illegal mining has been done. Two tractors with two trolleys

loaded with sand were found there, but no person was present near the said tractors-trolleys. In the meantime, 30-35 unknown persons armed with weapons came there on unknown vehicles including motorcycles, tractors. They attacked the complainant party and also threatened to kill them. The offenders also damaged their Creta vehicle. Gunman, Senior Constable Nazar Singh also fired in the air and they saved themselves while running towards the check-post. The offenders also damaged their Bolero vehicle and fled away from there along with one tractor-trolley loaded with sand and the other tractor after unloading the same. The offenders also took away one HP laptop, five map books, mining challan book, purse of Mining Inspector Manjit Kumar containing RC, DL, RC of motorcycle etc. and cash, identity card etc. from Creta vehicle. During the course of investigation, the complainant suffered supplementary statement on 27.05.2024 and specifically named the petitioners who have committed the crime.

3. Learned counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present FIR. The petitioners have been nominated on the basis of supplementary statement, which is an after-thought. The FIR was the result of political rivalry. Even otherwise, they are ready to join investigation.

4. Learned State counsel has opposed anticipatory bail to the petitioners by contending that they along with many other persons attacked the officials of Mining Department and also damaged their vehicles and

committed theft of the articles lying in said vehicles. Both the petitioners have criminal antecedents. Against petitioner No.1-Paramjit Singh, there are five other cases under the Mining Act. In two cases, he has been acquitted and in three cases, he has been convicted. Petitioner No.2-Dharamveer Singh is found to have been involved in another case also and the said case is at stage of prosecution evidence.

5. I have heard the submissions of learned counsel for the petitioners, learned State counsel and have gone through the paper book.

6. The allegations levelled against the petitioners are very serious. The petitioners along with others attacked the officers and officials of Mining Department who had gone to the spot for the purpose of inspection. They also committed theft of their property and damaged their vehicles. It is well known that illegal mining is ruining the economy of the State. If the officers and officials of the Mining Department are attacked in the manner that they detected two tractors-trolleys loaded with sand which was extracted due to illegal mining, then it is difficult to maintain law and order. If officials and officers of State are not allowed to inspect the area when illegal mining is being carried out then none can save the environment of Punjab. The environment and ecological balance is necessary for existence of life. Moreover, petitioner No.1-Paramjit Singh is already involved in five other cases under the Mining Act. He is a previous convict. Though petitioner No.2-Dharamveer Singh is found to have been

involved in one more case but the fact remains that he has been associated with the gang of persons involved in illegal mining.

7. In view of above, no ground for grant of anticipatory bail to the petitioners is made out. The present petition is dismissed accordingly.

(GURBIR SINGH)
JUDGE

August 05, 2024
sanjeev

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