

229

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-36730-2024  
Date of Decision:-22.08.2024

SURJIT SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Raman Kumar, Advocate, for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

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SANJIV BERRY, J (ORAL)

Learned counsel for the State has filed reply by way of affidavit dated 21.08.2024 of Deputy Superintendent of Police, Jagraon, District Ludhiana (Rural). The same is taken on record, copy thereof has been supplied to the counsel opposite.

2. By way of the present second petition filed under Section 438 of Criminal Procedure Code, the petitioner is praying for anticipatory bail in the event of arrest in FIR (Annexure P-1)detailed as under:-

| FIR No. | Dated      | Sections                                                                                                                | Police Station                       |
|---------|------------|-------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| 10      | 11.01.2024 | 379 IPC, and 21 of Mines & Mineral (Development & Regulation) Act, 1957 (Section 420, 467, 468, 471 IPC added later on) | Sidhwan Bet, District Ludhiana Rural |

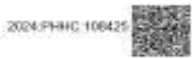


3. Arguments heard.

4. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner has not committed any crime, however false case has been planted on him. He contends that the petitioner is ready to join the investigation and hence prays for grant of concession of anticipatory bail to the petitioner.

5. *Per contra*, learned State counsel has strongly opposed the bail application by arguing that the petitioner is habitual in committing such crimes, as earlier also he is facing four criminal cases under the various provisions of Penal Code as well as of Mining Act. He contends that the petitioner left the spot leaving his tractor trolley filled with sand on the spot and later on during inquiry he had produced one alleged license for mining which on verification was found to be fabricated and forged. He contends that custodial interrogation of the petitioner is required to ascertain the origin of aforesaid fabricated license, as such they pray for dismissal of the present petition.

6. After considering the rival contentions and perusing the record, it transpires that the present case was registered on 11.01.2024 when the police party during course of patrolling received secret information that petitioner is doing illegal mining in river Sutlej in the area of village Baghian and he had loaded sand in his trolley. Accordingly, a naka was laid and police party recovered one tractor alongwith loaded trolley of sand on the bank of Sutlej river and on seeing the police party driver thereof ran



away. Later, the petitioner moved an application to SSP Ludhiana (Rural) intimating that he had license for mining which on verification was found to be forged and fabricated, leading to addition of offences under Section 420, 467, 468, 471 IPC in the instant FIR. The perusal of reply dated 21.08.2024 submitted by the State would show that the petitioner is already facing four cases of similar nature and is habitual of committing such offences. Moreover, by producing a forged and fabricated license he has aggravated his role in the offence. Therefore, considering the nature and gravity of offence no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)  
JUDGE

22.08.2024  
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|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |