



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-45798-2024
Date of decision: September 16th, 2024

Sumit Jain
.....Petitioner

Versus

State of Haryana
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Davneet Sangwan, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.126 dated 09.04.2024 under Sections 120-B, 420, 467, 468, 471 of the IPC and Section 2(1) of Mines and Minerals (Regulation and Development) Act, 1957 registered at Police Station Bilaspur, District Yamuna Nagar.

2. Learned counsel for the petitioner submits that he has been falsely implicated in the present case for his alleged involvement in illegal mining. While drawing the attention of this Court to the FIR annexed as Annexure P-1, it has been argued that a bare perusal of the same reveals that neither has the petitioner been named therein nor has any specific role been attributed to him concerning the purported illegal mining. His implication in the present case is solely on account of being the owner of the firm in whose name the vehicle, allegedly used for mining, was registered.

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3. Learned counsel for the petitioner has further contended that in the light of a separate enactment dealing with mining related matters, the registration of the FIR under the Mines and Minerals (Regulation and Development) Act, 1957, along with certain offences under the IPC, amounts to an abuse of the process of law, and has been deliberately done so as to aggravate the offences against the petitioner.

4. I have heard learned counsel for the petitioner and perused the relevant material on record.

5. The FIR in question annexed as Annexure P-1 is reproduced hereinunder:-

“To Police Station In-charge Ranjitpur, Police Station Bilaspur Serial No. Mining / Yamunanagar / spl- 2 Date- 9/4/2024, Subject- Regarding purchase and sale of fake minerals (Corsent). In reference to the above subject, you are hereby informed that on the night of 09/04/2024, at approximately 2:15 AM, based on a confidential complaint about the purchase and sale of fake minerals received from the Ranjitpur village area, the undersigned, along with Mining Inspector Aman Kumar, Mining Guard Narayan Singh, and HC Vibhor, conducted an inspection in the Ranjitpur area to prevent illegal mining and illegal mineral transportation. During the inspection, a trolley with registration number HR 69E-0337 was found approaching the Sultanpur-Sadhaura turn. The team signaled the vehicle to stop, and upon inspection, it was found to be loaded with sand. The driver presented Himachal Form X, number 0244858673999, dated 08/04/2024, issued at 5:28 AM. The driver identified himself as Vijay Kumar, son of Jadhoo Singh, a resident of Mahmadpura village, Sikandra Rao Police Station, Hathras District (Uttar Pradesh). He stated that the

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minerals had been loaded at the Hisar Screening Plant, Ranjitpur, and the bill was provided by the owner from Himachal. It is requested that legal action be taken against the owner of the aforementioned vehicle and the plant owner for the fake purchase and sale of minerals.”

6. *Prima facie*, there are very serious and specific allegations levelled against the petitioner. It is undisputed and a matter of record that the vehicle used to transport minerals without any valid documentation was registered in the name of the firm of the petitioner. The vehicle was intercepted based on credible information while transporting minerals from Himachal Pradesh to Sonapat, Haryana.

7. Illegal mining has become a widespread menace, wreaking havoc on the environment and causing irreparable damage to the ecological balance, which has led not only to the depletion of natural resources but have also resulted in large scale destruction of forest cover, destabilization of riverbeds, and degradation of biodiversity. In addition to the environmental destruction, illegal mining has caused a significant loss to the public exchequer, depriving the State of substantial revenue. Thus, the ramifications extend beyond mere economic loss, as it has fueled unregulated exploitation, and heightened the risk of landslides and floods, further endangering human lives.

8. Considering the seriousness of these allegations, this Court does not find it appropriate to extend the extraordinary concession of anticipatory bail to the petitioner.



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9. The instant petition stands dismissed.
10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

September 16th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No