

[209] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

[1] CRM-M-51475-2023
Date of Decision : 12.01.2024

Kuldeep Kumar ...Petitioner
versus

State of PunjabRespondent

[2] CRM-M-51540-2023

Amandeep ...Petitioner
versus

State of PunjabRespondent

[3] CRM-M-51582-2023

Jarnail Singh ...Petitioner
versus

State of PunjabRespondent

[4] CRM-M-51631-2023

Ranjit Singh ...Petitioner
Versus

State of PunjabRespondent

[5] CRM-M-51655-2023

Jagtar Singh ...Petitioner
Versus

State of PunjabRespondent

[6] CRM-M-51661-2023

Ram Saroop ...Petitioner
Versus

State of PunjabRespondent

[7]

CRM-M-51677-2023

Baljeet Singh

...Petitioner

Versus

State of Punjab

....Respondent

[8]

CRM-M-51678-2023

Avtar Singh

...Petitioner

Versus

State of Punjab

....Respondent

[9]

CRM-M-62411-2023

Rishi Kumar

...Petitioner

Versus

State of Punjab

....Respondent

Coram : HON’BLE MR. JUSTICE DEEPAK GUPTA

Present : Mr. Amandeep Saini, Advocate for the petitioner(s)
in CRM-M-51475-2023, CRM-M-51540-2023, CRM-M-51582-2023, CRM-M-51631-2023, CRM-M-51655-2023, CRM-M-51661-2023, CRM-M-51677-2023, CRM-M-51678-2023.

Mr. Jitender Singh Dadwal, Advocate for the petitioner
in CRM-M-62411-2023.

Mr. Mohit Thakur, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

[1]

In the 09 petitions titled above, all filed under Section 438

Cr.P.C., petitioners have prayed for grant of anticipatory bail in case FIR

Minerals (Regulation of Development) Act, 1957, registered at Police Station Nangal, District Rupnagar.

[2] Status report(s) in all the cases have been filed.

[3] As per the status report, filed in CRM-M-51475-2023, a compliant was moved on 27.07.2023 by Mining Officer-cum-Sub-Divisional Officer, Drainage Nangal, to Station House Officer, Police Station Nagal, alleging therein that on that date i.e. 27.07.2023, at about 12.30 PM, a surprise checking was carried out at the backside of Kalghidhar Stone Crusher in the area of Village Khera Kalmot. During checking 09 tractor-trailers were found parked, waiting for their turn to get loaded. One poclain machine was found digging. Fresh dug was found adjoining the mountain at the backside of the Kalghidhar Stone Crusher. It was alleged by the Mining Officer-cum-Sub Divisional Officer, Drainage Nangal, that on seeing the team of the Mining Department, the drivers of the tractor-trailers and operator of poclain machine fled away from the spot. The following poclain machine and tractor-trailers, all of which were without registration numbers were found at the spot:-

Sr. No.	Tractor-trailer description	Registration number & owner found after verification
1.	Sonalika DI-50 of blue colour	PB-07-BS-2959 / Avtar Singh son of Jagat Singh, R/o 172, near Ravidar Mandir, Tabba.
2.	Sonalika DI-50 of blue colour	PB-24-D-5716/Baljit Singh son of Dev Raj, R/o Maira.
3.	Mahindra Arjun 555DI of red colour	PB-07-BP-3253/Jagtar Singh son of Sada Ram, R/o Maira.
4.	Swaraj 855 FE of red colour	PB-07-BU-6154/Nirmal Singh son of Subash Chand, R/o Binewal.
5.	Mahindra 575 DI of red colour	PB-32-K-7373 / Jarnail Singh S/o Kurha Singh, R/o Nainwan.
6.	Swaraj 855 FE of red colour	Purchased on 13.07.2023, by petitioner-Kuldeep Kumar son of Subash Chand and not got registered yet.

7.	Sonilika DI-60 of blue colour	PB-07-AQ-7378 / Gian Chand s/o Nagain, R/o Pandori Bhadiar.
8.	Swaraj 855 FE of red colour	PB-91-M-5014 / Rishi Kumar son of Sham Sunder, R/o Kokowal.
9.	Swaraj 744 FE of red colour	No record found yet, but owned by Ranjit Singh son of Sagli Ram, R/o Khurali.

[4] The status report further reveals that the engine of the poclain machine was still hot. Ignition of the same was found recently stopped. On measurement of the ditch at the spot, it was found that 4,00,000, Cubic Feet mining material was extracted from the land. Prayer was made to take necessary action.

[5] Status report further reveals that FIR was registered. Spot was inspected. Site plan was prepared. The poclain machine and the 09 tractor-trailers were taken into possession. Statements of witnesses were recorded. On an application, moved to the revenue officials to demarcate the place from where the mining was carried out, it was found that mining had been carried out from Khsara No.1306 and 1307. The revenue record revealed that said land was in the name of Kalghidhar Stone Crusher owned by Sanjiv Kumar son of Ram Pal. It was further found that total 15 acres of land including the crusher i.e. Kalghidhar Stone Crusher and Tata Hitachi EX-200 LC Super Hydraulic Excavator were taken on lease by Mangat Ram from 06.06.2023 to 05.06.2024 at monthly rent of Rs.7,00,000/-. Said Mangat Ram was accordingly nominated in the case and was arrested on 06.09.2023. After completion of investigation qua said Mangat Ram, challan has already been filed.

[6] It is submitted on behalf all the petitioners (except petitioner- Rishi Kumar of CRM-M-62411-2023) that their tractor-trailers were parked in the compound of Kalghidhar Stone Crusher, from where they used to purchase sand and gravel by paying requisite fees/Government fee

petitioners had left their vehicles parked in the compound of the Kalghidhar Stone Crusher for taking the material on next date. It was further submitted that the petitioners were ready to join the investigation and so they be allowed anticipatory bail.

[7] Since it was the specific contention of all the aforesaid 08 petitioners (except petitioner Rishi Kumar) that they used to purchase the sand and gravel by paying requisite fee from the Kalghidhar Stone Crusher in the past, so the petitioners were directed to support this contention by producing the necessary documents. However, despite granting repeated opportunities, petitioners failed to place on record any such document, thus falsifying the contentions raised by them and indicating that a false defense had been concocted by them.

[8] As far as petitioner Rishi Kumar is concerned, it is contended by him that he is not named in the FIR; that he has been implicated due to party fraction; that his tractor was never involved in any such activity and that he is ready to join the investigation.

[9] On specific query put by this Court to learned counsel as to how the tractor-trailer of the petitioner was found at the spot of Kalghidhar Stone Crusher, learned counsel contends that it was illegally taken away from his house, though there is no such contention in the petition.

[10] The menace of illegal mining has increased manifold. The illegal mining affects not only the economy of the State but further affects the environment and ecology. The persons dealing with the legal mining, cannot shown any sympathy by the Court. Custodial interrogations of the

petitioners may be necessary to unearth the entire truth.

[11] Having regard to the above facts and circumstances and the nature of crime, this Court is not inclined to grant anticipatory bail to any of the petitioners.

[12] All the petitions stand dismissed.

(DEEPAK GUPTA)
JUDGE

12.01.2024
'Rajneesh'

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