

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-53514-2023 (O&M)
Date of Decision:- 01.02.2024

Paramjit Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arjunveer Sharma, Advocate, for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
184	14.9.2023	Sidhwan Bet, District Ludhiana (Rural)	379 IPC and Section 21 of Mines and Minerals (Development and Regulation) Act, 1957

GURVINDER SINGH GILL, J.

1. The instant petition has been filed on behalf of the petitioner seeking grant of anticipatory bail in respect of aforementioned FIR.
2. The FIR was lodged pursuant to receipt of secret information by ASI Sukhwinder Singh when he along with other police officials was present at Kishanpura Chowk, Sidhwan Bet. The secret information was to the effect that some persons were excavating sand illegally from the area of Satluj and were taking the same to Sidhwan Bet through Shekh Qutub in tractor trolley. Pursuant to receipt of said

information the police was able to intercept a tractor trolley loaded with sand. However, the person driving the tractor trolley managed to escape.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that there is no evidence to show that the petitioner had anything to do with the alleged illegal mining.
4. Opposing the petition, learned State counsel submitted that upon investigation it has been found that the tractor trolley which was intercepted and was taken into possession by the police which was found to be loaded with sand belongs to the petitioner and is duly registered in his name and that as such his complicity is clearly apparent.
5. This Court has considered the rival submissions.
6. Though the petitioner is not stated to have been arrested at the spot but the fact that the tractor trolley loaded with sand which was recovered at the spot is registered in the name of petitioner would undoubtedly point towards the involvement of the petitioner. The owner of a tractor-trolley is not expected to hand over his tractor-trolley in such a casual manner, so that the same may be misused for the purpose of mining. Rather such an act is indicative of complicity of the owner himself. The adverse effect of environmental degradation needs no highlighting. Rather illegal mining can lead to floods & destruction of crops and even washing away of homes and properties apart from pollution and destruction of wildlife and eco-system. No leniency can be shown in such like matters, which have

an irreparable adverse effect on the environment and is a colossal loss for generations to come. Extracting minerals in an illegal manner plays havoc with environment which virtually is an offence against the entire man kind. No laxity is warranted in such like matters. Rather, such like offences need to be checked at the very first instance. In these circumstances, the matter in hand is certainly such where custodial interrogation of the petitioner would be required. As such, no special case for grant of anticipatory bail is made out. The petition is sans merit and is hereby dismissed.

01.02.2024

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No