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

CRM-M-56170-2024

Date of Decision: 12.12.2024

Hemant Kumar

...Petitioner

VS.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Namit Khurana, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 482 of B.N.S.S, with a prayer to grant anticipatory bail to him in case FIR No. 176, dated 16.05.2023, under Sections 379 of IPC and 21(1) of Mines and Minerals, (Regulation and Development) Act, 1957, registered at Police Station Bilaspur, District Yamuna Nagar (Annexure P-1).

2. The FIR in the present case was registered on the basis of the complaint moved by the Assistant Mining Engineer, Department of Mines Geology, Yamuna Nagar and the same has been reproduced below:-

To the SHO, Bilaspur, District Yamunanagar. Memo No. AME/YNR 1202 Dated: 16/5/23 Subject: Illegal mining and illegal operation of Stone Crusher-Regarding. IT is intimated that combined team of mining department (MI Rohit Singh Rana) and Chief Minister Flying Squad, Panchkula (SI Rajesh Kumar 99/A) conducted a surprise visit on M/s R R Stone Crusher located at



Village Nagli-32, Tehsil. Bilaspur. Distt. Yamunanagar. During checking of records, a register was found in which parallel records of vehicles dispatched was found for which no bills were issued. Date wise of total vehicles dispatched as per the register are as under: - 1.23-03-2023 53 2.44 3.47 43 24-03-2023-25- 03-2023 26-03-2023 27.03.2023 4.5. 45 6. 28-03-2023 33 7, 38 8. 40 9.31 10.46 11.48 12. 13. 43 29-03-2023 30-03-2023 31.03.2023 01-04-2023 02-04-2023 03-04-2023 04-04-2023 05-04-2023M 06-04-2023 07-04-2023 08-04-2023 09-04-2023 10-04-2023 39 14:39 34 15.16.0 17.0 33 18, 19, 40 20 23 21. 22 29 11-04-2023- 12-04-2023 13-04-2023 14-04-2023 2825 23. 30 24. 25. 15-04-2023 30 24 16-04-2023 26. 26 17-04-2023 18-04- 2023 27.23 28 19-04-2023 14 29. 20-04-2023 14 30. 21- 04-2023 00 31. 22-04-2023 00 32, 23-04-2021 0033.20 24-04-2023 25-04-2023 34.16 35, 26-04-2023 24 22 36, 27-04-2023 37. 56 28-04-2023 29- 04-2023 38.50 39.30- 04-2023 38 40. 01-05-2023 39 41. 40 42. 43. 36 02-05- 2023 03-05-2023 04-05-2023 05-05-2023 29 44.00 24 45. 06-05-2023 07-05-2023 46 31 47. 08-05-2023 21. It is also intimated that aforesaid stone crusher was closed by the Pollution control Board closure vide its letter no 1527458/2021/Region Yamunanagar dated 28.12.2021 with recommendation of disconnection of electric supply. Consent to operate granted vide dated 07.01.2018 was also revoked by Pollution control Board and the E-Rawaana portal of the aforesaid unit also stands deactivated by Mines Geology department. The owner of the said crusher also runs a screening plant in the name of M/s RR Stone Crusher Screening Plant (MDL-1227). It is intimated that dispatch of large number of mineral loaded vehicles indicates involvement of crusher owner in illegal mining and further dispatch of minerals without issuing any e-Rawaana i.e. illegal transportation. It is also intimated that an FIR No. 431, dated 24.11.2022 was also



registered against M/s R R Stone Crusher for similar illegal activities. It is requested that an FIR under relevant sections of MMDR Act, State Mining Rules, 2012 and IPC may please be registered against the owner of the aforesaid unit, Assistant Mining Engineer, Mines Geology Deptt., Yamunanagar. Endst No. Mining/YNR/Dated: A copy is forwarded to the following for kind information and further necessary action. 1. Deputy Commissioner, Yamunanagar. 2. Superintendent of Police, Yamananagar Assistant Mining Engineer, Mines Geology Deptt. Yamunanagar”.

3. Learned counsel for the petitioner contends that the FIR has been registered in the present case at the instance of some of the firms, who are also involved in the mining and are competitors of the petitioner. In fact, the firm of the petitioner was granted the permission to run the stone crusher/grinding unit in the crushing village Nagli-32, Tehsil Bilaspur, District Yamuna Nagar for a period of three years with effect from 17.11.2020 to 16.11.2023. Thus, the firm of the petitioner was being operated under a valid license. In the meantime, on 10.03.2022, the Haryana State Pollution Control Board ordered the closure of the operation of the unit. The petitioner filed an appeal before the Appellate Authority and order regarding the closure and revocation of CTO was set aside. Learned counsel further contends that the petitioner was having a valid license to run the stone crusher plant and a screening plant and the officers registered the present case only on the basis of presumptions.

4. A status report by way of an affidavit of Deputy Superintendent of Police, Bilaspur, Tehsil Bilaspur, District Yamuna Nagar has been filed and the same is taken on record.



5. Learned State counsel submitted that a parallel record of vehicles was prepared by the petitioner, whereby, no bills were issued by the crusher owner in illegal mining and minerals were despatched without issuing any E-Ravana. Even the plant was being operated in violation of rules and the stone crusher was being run illegally. Still further, during the period of suspension of license of mining, the petitioner was running the stone crusher between 10.03.2022 to 21.09.2023. Thus, the minerals were being extracted by the petitioner and his firm illegally. Learned State counsel further submitted that the petitioner is a habitual offender and is involved in three more similar cases and the same are as follows:-

(i) FIR No.431, dated 24.11.2022, under Sections 379,420 of IPC and Section 21(4) of Mining Act, Police Station Bilaspur.

(ii) FIR No.376, dated 01.10.2023, under Section 21(1) of Mining Act, Police Station, Bilaspur.

(iii) FIR No.328, dated 07.10.2024, under Section 21(1) of Mining Act and under Section 303 of BNS, Police Station Bilaspur.

6. I have heard the learned counsel for the parties and I have perused the record carefully.

7. In the present case, the petitioner had extracted minerals in number of vehicles illegally and the vehicles were despatched during the period, when the petitioner and his firm were not having any license to run the stone crusher. Even, the parallel record was prepared regarding the despatch of minerals. Apart from that, three more criminal cases under the same provisions were already registered against the petitioner. Thus, the custodial interrogation



of the petitioner in the present case is imperative to know the modus operandi of the petitioner, to recover the documentary evidence from the petitioner and to know the names of the other persons involved in the crime.

8. Thus, in view of above discussion, the present petition deserves to be dismissed by this Court.

9. Dismissed.

12.12.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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