



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

**CRM-M-43725-2024**

**Date of Decision:23.01.2025**

Jang Bahadur

...Petitioner

vs.

State of Punjab

...Respondent

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

Present: Mr. Parvinder Singh, Advocate  
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

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**N.S.Shekhawat J. (Oral)**

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.100, dated 17.07.2024, under Sections 4(1) and 21(1) of Mines and Minerals (Development and Regulation) Act, later on added Section 303(2) of B.N.S., registered at Police Station Mullanpur, District SAS Nagar, Mohali (Annexure P-1).

2. The F.I.R in the present case was registered on the basis of the complaint moved by Kanwardeep Singh J.E/M.I and the same has been reproduced below:-

*First Information Contents (Attach separate sheet, if necessary):-  
Copy of Complaint Number 03-04/spl Dated 17-07-2024 To, SHO,  
Police Station Garhshankar. Subject: Regarding illegal mining in  
village Teera.The undersigned reached the spot after getting call  
from the Block Panchayat Officer, Majri Vinod Joshi dated*

*17.07.2024 regarding the above subject. There are GPS Coordinates 30.776714, 76.721771 at the place of illegal mining. One Tata Hitachi Ex 200 LC Poplain machine and one tipper bearing no. PB-65-AZ-3184 make TATA SIGNA were found at the spot doing illegal mining. The driver of Poplain machine and Tipper fled away from the spot. There was no permission to do mining at the aforesaid place. Revenue Patwari Amrinder Singh told at the spot that this mining has been done in Khasra No.24//13/2(1-7), Village Tira. (Report is attached). In this way, provisions of Section 4(1) of Mines and Minerals (Development & Regulation) Act, 1957 punishable under Section 21(1) have been violated. Therefore, investigation be conducted in this case and legal action be initiated against the persons who did mining and against the owner of machines under the above Act and the action be initiated after getting the report regarding ownership of the land of illegal mining from the revenue department. Description of machine: Poplain Tata Hitachi orange colour Sr no. S200-53260, One Tipper no. PB-65-AZ- 3184. Copy: for information to Sub Divisional Officer Cum - Assistant District Mining Officer, Mohali. . Sd/- Kanwardeep JE/MI 7508853399.*

3. Learned counsel for the petitioner contends that the petitioner had no connection with the mining operations, which were allegedly conducted at the spot. The petitioner was neither present at the spot nor any incriminating evidence was collected against him. He further refers to the provisions of Section 21 and 22 of Mines and Minerals (Development and Regulation) Act, 1957 to contend that even the FIR itself was not maintainable against him and no complaint was filed by the officials in the present case. Learned counsel further submits that even though 13 more FIRs were ordered to be registered against the petitioner, but he has already been acquitted in 07 cases. He further contends that the recovery has already taken place in the present case and the

custodial interrogation of the petitioner may not be required.

4. On the other hand learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a habitual offender and is involved in 13 more FIRs of similar nature. He further contends that out of 13 FIRs, the trial is still pending in 06 FIRs against the petitioner. He further contends that when the officials of Mining Department had visited the place of occurrence, a tipper (small truck) of the petitioner was recovered, which was loaded with sand and the mining operations were being conducted at the spot in violation of Mines and Minerals (Development and Regulation) Act, 1957. He further contends that the sufficient incriminating evidence has been collected against the petitioner and his custodial interrogation is required to know the names of the other co-accused, who were also involved in the present case.

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

6. In the present case, admittedly, when the officials of Mines Department had reached at the place of occurrence, a tipper filled with sand was found at the spot and the tipper was found to be registered in the name of Jang Bahadur, petitioner. Even, the ownership of the land involved in the illegal mining was also verified from the concerned Halka Patwari and it was found that Lata Rani, wife of the petitioner was also co-shareholder in the said land. It was also discovered that the petitioner had conducted illegal mining on the portion of the land, which had fallen to the share of Lata Rani, wife of present petitioner. Apart from that, the petitioner was involved in 13 more criminal cases of similar nature in the past also. Still further, in the considered opinion of

this Court, the custodial interrogation of the petitioner will be required to unravel the modus operandi and to know the involvement of other co-accused, who might be involved with the petitioner. Even otherwise, this Court should always be slow to grant the discretionary relief of anticipatory bail to such persons, who are repeat offenders.

7. Thus, the present petition is meritless and deserves to be dismissed by this Court.

23.01.2025  
hitesh

(N.S.SHEKHAWAT)  
JUDGE

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