

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

CRM-M-55205-2022 (O&M)

Date of Decision:-5.12.2022

Satya Nand

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arun Takhi, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.179, dated 13.11.2022, Police Station Sadar, District Hoshiarpur, under Sections 21(i) Mines & Minerals (Development & Regulation) Act, 1957.
2. The case of the prosecution is that on 13.11.2022, when a police party headed by ASI Jasvir Singh was proceeding towards Village Ajjowal in connection with patrolling, a tractor-trolley loaded with sand was noticed near Milk Plant, Ajjowal. On being asked, the driver of the said tractor-trolley disclosed his name as Amrik Singh. However, he could not produce any license or permit with respect to mining of sand. Consequently, the

mining officials were called at the spot and the instant case was lodged. During the course of interrogation, the aforesaid Amrik Singh disclosed that he is employed as a driver with the tractor-trolley, which is owned by Satya Nand and that he had been told by aforesaid Satya Nand to extract sand and was being paid Rs.400/- per day for the said work.

3. Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and came to be nominated on the basis of a disclosure statement made by Amrik Singh, who was allegedly apprehended at the spot while driving a tractor-trolley loaded with sand. The learned counsel submitted that no evidentiary value can be attached to such like disclosure statement and the same had apparently been made by co-accused Amrik Singh to shift his liability upon the petitioner. It has been submitted that, even if, for the sake of arguments, it is admitted that the aforesaid Amrik Singh was employed as driver with the petitioner, no inference can be drawn that the alleged mining was done at the instance of the petitioner and that it was Amrik Singh himself, on his own, who had indulged into the same.
4. Opposing the petition, learned State counsel has submitted that since the co-accused Amrik Singh has categorically named the petitioner to be the person, who is owner of the tractor-trolley in question with whom said Amrik Singh was employed and has also stated that it was at the instance of the petitioner that he had extracted sand, the complicity of the petitioner is clearly evident.
5. This Court has considered the rival submissions.
6. It is no doubt correct that the petitioner was never apprehended at the spot and it is co-accused Amrik Singh, who has nominated him as an accused. However, the very fact that the tractor-trolley loaded with sand was

recovered from co-accused, which is registered in the name of the petitioner leaves much to be explained on the part of the petitioner. The co-accused has specifically stated that he had extracted sand at the instance of the petitioner, who used to pay him Rs.400/- per day for the said purpose, which clearly shows the complicity 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 would point towards the involvement of the owner himself. The adverse effects 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. As such, no special case for grant of anticipatory bail is made out. The petition is sans merit and is hereby dismissed.

7. However, in case the petitioner surrenders before the Trial Court within a period of 10 days from today and applies for grant of regular bail, the learned Trial Court shall endeavour to dispose of the same expeditiously preferably within a period of one week from filing of such application.

5.12.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No