

(2011) 08 P&H CK 0261

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous M No. 25969 of 2011 (O and M)

Deenu alias Deen Mohd. and
another

APPELLANT

Vs

State of Haryana and another

RESPONDENT

Date of Decision: Aug. 29, 2011

Acts Referred:

- Penal Code, 1860 (IPC) - Section 188, 279, 336, 379

Hon'ble Judges: Rajesh Bindal, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Rajesh Bindal, J.

Prayer in the present petition is for grant of anticipatory bail to the petitioners, who are accused in FIR No. 158 dated 9.8.2011, registered under Sections 279, 336, 188, 379 IPC, at Police Station Chandimandir, District Panchkula, on account of theft of minerals from the river bed and also rash and negligent driving.

2. Learned counsel for the petitioners submitted that the petitioners were not apprehended at the spot. The tractor-trolleys in which the minerals were being transported had already been recovered and are in possession of the police. The petitioners have been named in the FIR only because one tractor-trolley is owned by father of petitioner no. 1 whereas the second is owned by petitioner no. 2. As no recovery is to be effected, the petitioners are not required to be taken in custody.

3. After hearing learned counsel for the petitioners, I do not find any merit in the submissions made. The mining of minerals in the State had been banned. The matter was even pending on judicial side. Still unscrupulous persons are indulging in illegal mining. Merely because the petitioners were not apprehended at the spot, will not absolve them once it is found that the tractor-trolleys carrying minerals, which were recovered from the spot, are owned by them. There is no explanation as

to why their tractor-trolleys had been used for carrying the minerals.

4. Considering the aforesaid facts, I do not find this to be a fit case for grant of anticipatory bail to the petitioners. Accordingly, the petition is dismissed.