



105 CRM-M-44082-2023

AAJAMDEEN VS STATE OF PUNJAB

Present: Mr. Amandeep Saini, Advocate
for the petitioner.

Petitioner prays for grant of pre-arrest bail in FIR No.102 dated 27.07.2023 registered under Sections 21 (1) and 4(1) of the Mines and Minerals (Regulation of Development) Act, 1957 at Police Station, Nangal, District Rupnagar.

Learned counsel for the petitioner contends that the petitioner had no concern with the alleged occurrence and he is stated to be driver of a Tipper bearing registration No. RJ-02-GC-1801, which was allegedly used in the commission of the crime. He further contends that the petitioner was not found at the spot and has been falsely involved in the present case. He also relies upon an order dated 23.08.2023 (Annexure P-3) passed by this Court in CRM-M-41584-2023, whereby interim anticipatory bail has been granted to Joginder Singh.

Notice of motion.

On the asking of Court, Mr. Mohinder Singh Joshi, Addl.A.G., Punjab, accepts notice on behalf of the respondent-State.

List on 14.09.2023.

In the meantime, the petitioner is directed to join the investigation. In the event of arrest, he shall be released on interim bail to the satisfaction of arresting/investigating officer subject to the conditions envisaged under Section 438 (2) Cr.P.C.

From the perusal of record, it is apparent that in the present case, only poor persons vis., driver of JCB and driver of tipper have been



105

CRM-M-44082-2023

-2-

arrayed as accused. It is sorry state of affairs that the police is trying its best to shield the real culprits, at whose instance the illegal mining operations were being carried out.

On advance notice, ASI Jarnail Singh is present in the Court and has informed that till date, the police has not been able to ascertain as to at whose instance, the illegal mining operations were being carried out. It seems that the police is hand in glove with the persons, who are carrying out this illegal mining operations in the said area.

The Senior Superintendent of Police, Rupnagar, is directed to file a detailed report, indicating the reasons as to why the persons, who were carrying out the illegal mining operations, have not been arrayed as accused in the present case. Further, the concerned SHO shall personally remain present before this Court with the case file on the date fixed.

A copy of this order be handed over to the learned counsel for the State, under the Bench Secretary of this Court.

04.09.2023
mks

(N.S. SHEKHAWAT)
JUDGE

