



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

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**CRM-M-19091-2025
Date of decision: 07.04.2025**

Sulinder Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. D.V. Dhindsa, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.551 dated 20.03.2025 under Sections 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 303(2) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station HSENB Ambala, District Haryana State Enforcement Bureau.

2. The petitioner seeks the concession of anticipatory in a case arising out of alleged illegal mining activity, wherein a tipper bearing registration No.HR-58-DE-6025, registered in the name of the petitioner, was intercepted during a routine inspection on 08.02.2025 and found to be transporting minerals without a valid e-way bill full.

3. Learned counsel for the petitioner submits that the petitioner was not present at the spot, nor was he involved in any illegal mining activity. It is argued that the petitioner has been falsely implicated solely on the basis of ownership of the vehicle. Further, it is



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contended that no recovery is to be effected from the petitioner, and as such, his custodial interrogation is not warranted.

4. Notice of motion.

5. On asking of the Court, Mr. Rahul Mohan, Sr. DAG, Haryana, accepts notice on behalf of the respondent-State.

6. *Per contra*, learned State counsel has opposed the prayer and submissions made by the counsel opposite. He submits, on instructions, that the petitioner is a habitual offender, having multiple cases registered against him under the Act as well as under the provisions of the Indian Penal Code. It is further pointed out on instructions that the petitioner was already on bail in the other pending against him, at the time of the present incident, which demonstrates his continued engagement in illegal mining activities. A prayer has, therefore, been made for dismissal of the instant petition, by urging that the custodial interrogation of the petitioner is required.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. Pursuant to specific information received by the mining authorities, the tipper in question was found engaged in illegal transportation of minerals without any authorizing documentation. Though the petitioner was not apprehended at the spot, it is undisputed that the tipper involved is registered in his name. Moreover, from the record it transpires that the petitioner has failed to deposit an amount of Rs.4,30,000/- imposed upon him as royalty by virtue of orders dated 23.04.2019 and 19.02.2020 passed by the National Green Tribunal,



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New Delhi.

9. The menace of illegal mining has emerged as a grave threat to the ecological equilibrium and environmental sustainability of the region. The unregulated and rampant extraction of natural resources not only leads to irreparable damage to the environment, including depletion of groundwater, deforestation, and soil erosion, but also causes substantial loss to the public exchequer. The Courts are increasingly being confronted with instances where unscrupulous elements, for commercial gain, continued to defy the regulatory framework with impunity.

10. *Prima facie* the conduct of the petitioner is not isolated but part of a continuing pattern of unlawful activity. The fact that he has previously been booked in similar cases and is currently out on bail in other pending cases, lends further weight to the case of the prosecution. The assertion that the petitioner is being falsely implicated on the basis of ownership of the tipper, does not inspire confidence at this stage while deciding his petition for anticipatory bail, in view of his past antecedents and the *prima facie* material on record.

11. This Court, therefore, does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner on account of his repeated involvement in such offences. This Court concurs with the prayer made by the counsel for the State that custodial interrogation would be required of the petitioner as it may assist in unearthing the broader network involved in illegal mining. The instant petition stands dismissed accordingly.



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12. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

07.04.2025

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**(MANJARI NEHRU KAUL)
JUDGE**

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