

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

CRM No. M-15499 of 2015 (O&M)

Date of Decision: 03.08.2015.

Sohan Singh @ Sohan Lal & another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. K.S. Brar, Advocate for
Mr. SPS Sidhu, Advocate for the petitioners.

Mr. Nikhil K. Chopra, DAG, Punjab.

....

TEJINDER SINGH DHINDSA.J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking the concession of pre-arrest bail to the petitioners in case FIR No.9, dated 01.02.2015, under Sections 379/353/186/506 IPC and Section 4(1) read with Section 21(1) of the Mining and Minerals Act, registered at Police Station Naya Gaon, District SAS Nagar, Mohali.

While issuing notice of motion on 13.05.2015, the following order was passed by this Court:

“The petitioners seek concession of anticipatory bail in case FIR No. 9, dated 01.02.2015, under Sections 379, 353, 186, 506 of the Indian Penal Code and Section 4(1) read with Section 21(1) of the Mining and Mineral Act, registered at Police Station Naya Gaon, District SAS Nagar, Mohali.

Counsel would submit that the FIR in question has been registered on the complaint of Davinder Singh, who was stated to be working as a Guard in the Forest Department and

the allegations are against Harjinder Singh (non applicant) of having loaded sand on his Tractor Trolley from river Parch. It is contended that the only allegation against the present petitioners is with regard to having taken pictures while the complainant himself was sitting on the Tractor Trolley being driven by main accused, namely, Harjinder Singh.

Notice of motion, returnable for 03.08.2015.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C”

Learned State counsel upon instructions from HC Ajit Singh would apprise the Court that the petitioners have since joined investigation.

It has also been conceded that no recovery is to be effected. Even the observations made in the notice of motion order have been gone un rebutted.

Custodial interrogation of the petitioners as such would not be warranted.

Petition is allowed. Order dated 13.05.2015 passed by this Court is made absolute.

Disposed of.

03.08.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**