

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.44356 of 2014

Date of Decision:29.01.2015

Raju Singh @ Raj Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.Prabhjot Singh, Advocate,
for the petitioner.**

**Mr.Jaspreet Singh Sekhon, Assistant Advocate General,
Punjab, for the respondent-State.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of anticipatory bail in a case registered against him along with his other co-accused, vide FIR No.256 dated 31.10.2014, on accusation of having committed the offences punishable under Section 379 IPC and Section 21 of The Mines and Minerals(Development & Regulation) Act, 1957, by the police of Police Station Sadar Jalalabad, District Fazilka.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable help and deep consideration of the entire matter, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.
4. Precisely, the prosecution, *inter alia*, claimed that the

petitioner was filling-up the trolley with sand from the land of his co-accused Jangir Singh. No other specific role or particular part is attributed to him in the FIR. In that eventuality, as to whether the indicated offences are made out against the petitioner or not, *inter alia*, would be a moot point to be decided after receipt of evidence of the parties during the course of trial by the trial Court. Not only that, during the course of preliminary hearing, interim bail was granted, to enable the petitioner to join the investigation, by way of order dated December 24, 2014 by this Court.

5. At the very outset, on instructions from HC Mukhtiar Singh, learned State Counsel has acknowledged the factual matrix and submitted that the petitioner has already joined the investigation. He is no longer required for further interrogation, at this stage. There is no history of his previous involvement in any other criminal case. Even, since the prosecution has not yet submitted the final police report(challan) against the accused, so, the conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the peculiar facts & the special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner, by virtue of indicated order of this Court, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, nothing observed here-in-above,

would reflect, on merits in the trial of the case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for pre-arrest bail. At the same time, in case, the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of his bail in this Court.

January 29, 2015
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(**MEHINDER SINGH SULLAR**)
JUDGE