

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

CRM-M-16903-2016 (O&M)

Date of decision : 22.08.2016

Jyoti Saroop Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Chanchal K. Singla, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Mohan Lal.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in case FIR No.42 dated 21.04.2016, registered under Sections 379 and 188 of the Indian Penal Code; and Sections 21(1) and 4(1) of the Mines and Minerals (Regulation of Development) Act, 1957, at P.S. Chamkaur Sahib, Distt. Rupnagar.

Heard.

On 16.05.2016, the following order was passed:-

“Petitioner seeks concession of pre-arrest bail in case FIR No.42 dated 21.04.2016, under Sections 379/188 IPC and Sections 21(1)/4(1) of the Mines and Minerals (Regulation of Development) Act, 1957, registered at Police Station Chamkaur Sahib, District Rupnagar.

Counsel would submit that against the allegations of illegal excavation of earth, the present petitioner is neither the owner nor the driver of JCB Machine that has been seized. Further contended that

even the land in question is not in the ownership of the present petitioner and neither the same was in his possession as a lessee.

Notice of motion, returnable for 22.08.2016.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

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

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 16.05.2016, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

22.08.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No