

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

CRM-M-18073-2016 (O&M)

Date of decision : 06.09.2016

Avtar 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 Section 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 Police Station Chamkaur Sahib, Distt. Rupnagar.

Heard.

On 31.05.2016, the following order was passed:-

“Allegations in the FIR are that certain persons illegally excavated earth from the fields.

Counsel appearing for the petitioner would submit that even though the land in question belongs to the petitioner, yet under Section 22 of the Mines and Minerals (Development and Regulation) Act, 1957, a complaint at the hands of authorized official is maintainable.

*Argument raised is that the FIR, as such, could not have been registered by invoking offence under Section 379 IPC. In support of such contention, reliance has been placed upon the judgment of this Court in **Harmela Ram Vs. State of Haryana, 2013(3) RCR (Criminal) 141.***

List for further consideration on 06.09.2016.

In the meanwhile, petitioner is directed to appear before the 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 31.05.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

06.09.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

ATUL SETHI
2016.09.06 17:46
I attest to the accuracy and
authenticity of this document
Chandigarh

Whether Reportable :	Yes	No
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