

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

**CRM-M No.1902 of 2016 (O&M)
Date of Decision: 18.02.2016**

Jagdish Singh

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Ramesh Sharma, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State assisted by H.C. Virender Singh.

JASWANT SINGH, J. (Oral)

Prayer in this petition, filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Section 379 of the Indian Penal Code and Section 21 of the Mines and Minerals Act, in a case arising out of FIR No.223 dated 22.07.2015, registered at Police Station Dakha, District Ludhiana.

On a secret information, non-applicants/co-accused Amarjit Singh and Jasbir Singh were apprehended with tractor-trolleys loaded with sand illegally extracted from the agriculture land of the petitioner-Jagdish Singh.

It was contended that even if the allegations in the FIR are taken at their face value, no offence under Section 379 IPC is made out. As regards offence under Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 is concerned, FIR could not be lodged by the police as cognizance can only be taken by a Court on a complaint in writing made by an authorized person.

Learned Counsel for the petitioner submits that the petitioner has joined the investigation and his custodial interrogation is no longer required.

Learned State Counsel, assisted by H.C. Virender Singh, concedes the aforesaid factual position.

In view of the above, interim protection/pre-arrest bail granted by this Court, vide order dated 20.01.2016, is made absolute.

Disposed of.

February 18, 2016

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**(JASWANT SINGH)
JUDGE**