

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

CRM-M-20206-2016 (O&M)
Date of decision : 06.09.2016

Saif Ali

...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 03.06.2016, the following order was passed:-

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

Counsel would inter alia contend that under Section 22 of the Mines and Minerals (Development & Regulation) Act, 1957, a complaint at the hands of the authorized official is

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

That apart, it is contended that the owner of the land in question was co-accused, Avtar Singh and who has been granted ad interim protection as regards arrest by this Court in the light of order dated 31.05.2016 in CRM No.M-18073 of 2016.

Notice of motion, returnable for 06.09.2016.

To be listed along with CRM No.M-18073 of 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 03.06.2016, 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
Whether Reportable :	Yes	No