205/A IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No. M-25308 of 2016
DECIDED ON: SEPTEMBER 26, 2016

AMRIK SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Parvinder Singh, Advocate
for the petitioner.

Mr. P.S. Paul, DAG, Punjab.

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JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 438 Cr.P.C., petitioner has sought pre-arrest bail in case FIR No. 0079 dated 03.07.2016 under Sections 379 and 188 IPC and Sections 21(1) & 4(1) of Mining and Minerals Regulation Development Act, 1957, registered at Police Station Chamkaur Sahib, District Rupnagar.

At the time of issuance of notice of motion on August 02, 2016, following order was passed:

> ***"CRM-22521-2016***
>
> *Allowed as prayed for.*
>
> ***Main case***
>
> *Learned counsel for the petitioner has inter alia contended that in view of the bar created under Section 22 of the Mines and Minerals Act, 1957, no FIR can be registered. To fortify his submission, learned counsel for the petitioner has relied upon the judgment*

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HIGH COURT CHANDIGARH

*captioned as **"Pargat Singh vs. State of Punjab and others"** passed in **CRM-M-29855-2014 (O&M)** decided on 19.03.2015 as well as **"Harmela Ram vs. State of Haryana", 2013 (3) RCR (Criminal) 141**.*

Notice of motion to the respondent for 26.09.2016.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions, as envisaged under Section 438(2) Cr.P.C."

Learned State counsel, on instructions from ASI Major Singh, submits that in compliance of order dated August 02, 2016, petitioner has joined the investigation and he is no more required for further investigation.

In view of above, order dated August 02, 2016 is hereby, made absolute and shall enure during the pendency of trial.

However, petitioner shall be abide by all the terms and conditions as envisaged under Section 438(2) Cr.P.C.

Disposed of.

SEPTEMBER 26, 2016 **(JASPAL SINGH)**
sham **JUDGE**

Whether Speaking/Reasoned Yes/No

Whether Reportable Yes/No

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