

CRM-M-16338-2017

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

CRM-M-16338-2017

Date of Decision:30.05.2017

Ramesh Chander Dhankhar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. M.S.Kathuria, Advocate,
for the petitioner.

Mr. V.P.S.Sidhu, AAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Ramesh Chander Dhankhar has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.35 dated 08.03.2017, registered at Police Station Machhiwara, District Ludhiana, under Section 379 IPC and Section 21 of the Mines and Minerals (Regulation and Development) Act, 1957.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

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From the record, I find that as per the prosecution version, the present FIR has been registered on the orders of General Manager-cum-Mining Officer, District Industrial Centre, Ludhiana. It is mentioned in the FIR that out of land of Balbir Singh, 10-12 ft. soil has been excavated from one acre land. It is the allegation that Balbir Singh told that deal regarding soil excavation from his land had taken place with Lakhbir Singh who further agreed to sell the same to the present petitioner.

In pursuance of the interim order dated 10.05.2017 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Nothing is to be recovered from him. Therefore, no useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 10.05.2017, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

30.05.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No