

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

**Crl. Misc. No. M-19072 of 2017(O&M)
Date of Decision: July 18, 2017**

Nanak Singh

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sanjay Nagpal, Advocate
for the petitioner (s).

Ms. Rajni Gupta, Senior DAG, Punjab.

SURINDER GUPTA, J.

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 0024 dated 23.03.2017 registered for the offence punishable under Section 379 of Indian Penal Code and 21(1) Mining and Minerals Regulation of Development Act, 1957 at Police Station Ramdass, District Amritsar.

Heard.

Learned State counsel on instructions from HC Ranjodh Singh, submits that the police has not nominated any person as accused in the FIR and is still verifying about ownership of truck bearing No. PB06C-5495, which was taken into possession with illegally mined sand.

No one has come forward to claim the ownership of truck, so far. The petitioner was called to join investigation only to verify the ownership of the truck taken in possession by police in this case.

In view of submission of learned State counsel, this petition is allowed and the petitioner is directed to surrender before the police and join investigation within a week. In the event of his arrest being required, he shall be released on pre arrest bail till the presentation of challan, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of bail allowed to him and will seek regular bail on presentation of challan.

It is, however, made clear that in the event the petitioner failing to join the investigation, he will lose the benefit of pre-arrest bail allowed to him.

July 18, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No