

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-37441 of 2017

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Date of decision:14.11.2017

Amrish

.....Petitioner

v.

State of Haryana

.....Respondent

....

(2) Criminal Misc. No.M-38883 of 2017

.....

Sanjay

.....Petitioner

v.

State of Haryana

.....Respondent

....

Present: Mr. Mohit Rathee, Advocate for the petitioner in Cr. Misc. No. M-37441 of 2017.

Mr. Rituraj Singh, Advocate for Mr. Gautam Dutt, Advocate for the petitioner in Cr. Misc. No.M-38883 of 2017.

Mr. B.S. Virk, Deputy Advocate General, Haryana for the respondent-State.

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Inderjit Singh, J.

This order will dispose of the above mentioned two petitions filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.136 dated 5.9.2017 registered for the offences under Sections 188 and 379 IPC and Section 4 of Mines Act, 1952 and Section 15 of the Environment Protection Act, 1986 at Police Station Tigaon, District Faridabad.

Notice of motion has been issued in these cases.

Mr. B.S. Virk, learned Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State and contested these petitions.

I have heard learned counsel for the petitioners and learned Deputy Advocate General, Haryana appearing for the respondent-State and have gone through the record.

The FIR has been registered on the basis of secret information. As per the prosecution version, the petitioners had fled away from the spot. The allegations against the petitioners are that they left the tractor trolley filled with the Yamuna sand on the spot.

The recovery has already been effected. The present petitioners have already joined the investigation. As stated, they are not required for any custodial interrogation. No useful purpose will be served by sending the petitioners to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in these petitions and the same are allowed. The interim orders dated 6.10.2017 and 13.10.2017 respectively passed by this Court granting interim bail to the petitioners are made absolute. However, the petitioners 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.

November 14, 2017.

(Inderjit Singh)
Judge

hsp

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