

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

CRM No.M-17231 of 2018 (O&M)

Date of Decision: July 19, 2018

Baljit Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

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

Ms.Monika Jalota, DAG, Punjab
for the respondent-State.

Mr.Kewal Krishan, Advocate
for the complainant.

INDERJIT SINGH, J.

CRM No.18677 of 2018

The application is allowed, subject to all just exceptions.

Annexures R-1 and R-2 are taken on record.

CRM No.M-17231 of 2018

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.36 dated 04.04.2018 under Section 21 of Mining and Mineral Act, Section 13(A) of Common Village Act and Sections 379 and 409 IPC, registered at Police Station Lopoke, District Amritsar.

learned counsel for the complainant appeared and contested the petition.

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

From the record, I find that as per allegations in the FIR, petitioner Baljit Singh, Sarpanch, in connivance with some other people has been indulging in illegal mining of pond and after receiving information regarding this, Panchayat Secretary visited the spot and stopped him from illegal mining and instructed him to report to EO Kanwar Gurvinder Singh. He also reported that mining has been stopped and there is hole of 5-6 feet deep on the side of gurudwara and on other side hole of 100x80 feet, which contains water and it is difficult to assess the depth of water.

The case of present petitioner is that a Resolution was passed by the Gram Panchayat as earth filling was to be done in Village Elementary School etc.

The petitioner has already joined the investigation. He is not required for investigation or custodial interrogation. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where the petitioner is entitled to benefit of anticipatory bail. Therefore, the present petition is accepted and the order dated 27.04.2018 granting interim bail to the petitioner, is made absolute.

July 19, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No