

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

**CRM-M No.25852 of 2018
Decided on: 10.09.2018**

Kanwar Pal and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Anuj Balian, Advocate
for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No.58 dated 20.05.2018, registered under Sections 21(4), 4(1), 4(1)(A) of the Mines and Minerals (Regulation and Development) Act read with Sections 188 and 379 IPC at Police Station Raipurani, District Panchkula.

The operative part of the order dated 13.06.2018, vide which interim anticipatory bail has been granted to the petitioners, is reproduced as under:-

“...Counsel for the petitioners submits that as per provisions of Section 22 of the Mines and Minerals (Regulation and Development) Act, the registration of the FIR is not permissible as the cognizance can be taken by the Court only on a complaint filed by a person, duly authorized by the Government, before the Court.

Counsel for the petitioners further submits that from

bare perusal of FIR, the offence under Section 379 IPC is not made out as there is no allegation of theft against the petitioners.

Notice of motion for 10.09.2018....”

Counsel for the petitioners has submitted that, in pursuance to the order dated 13.06.2018, the petitioners have already appeared before the Investigating Officer and have joined the investigation.

Counsel for the State, on instructions from ASI Balkar Singh, has not disputed the aforesaid fact and submits that the petitioners are no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioners vide order dated 13.06.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

10.09.2018
yakub

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No