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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.3440 of 2018

Date of Decision: 21.03.2018

Janeshwar

.....Petitioner

Vs

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Lalit Narang, Advocate for
Mr. Ashwani Talwar, Advocate
for the petitioner.

Mr. Sidharth Sanwaria, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

On 25.01.2018, following order was passed:-

*“Learned counsel for the petitioner contends that for the offence under Section 21 of the Mines and Minerals (Development & Regulation) Act, 1957, no FIR can be lodged. No Court can take cognizance of any offence punishable under this Act, except upon a complaint in writing made by a person authorized in this behalf. In this way, offence is non-cognizable in nature. Learned counsel relies upon **Harmela Ram Vs. State of Haryana, 2013(3) RCR (Criminal) 141.***

Notice of motion for 21.03.2018.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join

investigation on 02.02.2018 and in the event of his arrest, he shall be enlarged on ad interim bail, subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that the petitioner has joined the investigation.

This fact has not been denied by learned State Counsel on instructions from HC Pradeep Kumar, however, he states that investigation has to be brought to its logical end.

In view of above, order dated 25.01.2018 is made absolute.

March 21, 2018

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No