

(1)

CRM-M-34558-2018 (O&M)

CRM-M-35237-2018 (O&M)

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

(1)

CRM-M-34558-2018 (O&M)

Date of Decision:-23.10.2018

Sukhwant Singh

... Petitioner

Versus

State of Punjab

... Respondent

(2)

CRM-M-35237-2018 (O&M)

Baldev Singh and others

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Rakhi Sharma, Advocate for the petitioner(s).

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

This order shall dispose of the above mentioned two petitions filed on behalf of the petitioners seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.0141 dated 21.7.2018 under Section 379 of Indian Penal Code, 1860 and Section 21 of Mines and Minerals (Development & Regulation) Act, 1957 at Police Station Lopoke, District Amritsar (Rural).

The allegations, in nutshell, are that the petitioners eight in number, alongwith one more accused had excavated soil from the village pond and had sold the same, the worth of which was ₹ 52,30,900/-.

The learned counsel has submitted that infact the said matter has also been enquired into by District Development Panchayat Officer

(DDPO) and the proceedings before the DDPO were challenged by all the petitioners by way of filing writ petition i.e. CWP-14934 of 2018 and that in fact the assessment regarding the excavation is still to be finalized. It has thus been submitted that till the matter is finalized, the petitioners cannot be prosecuted and that infact lodging of the FIR is an abuse of process of law.

On the other hand, the learned State counsel has submitted that since it had been found that the petitioners had excavated the soil, therefore, they are liable for having committed offence punishable under Section 379 of Indian Penal Code, 1860 and Section 21 of Mines and Minerals (Development & Regulation) Act, 1957. It has, however, been informed that the petitioners have since joined investigation.

Having considered the aforesaid facts and circumstances and also that the matter regarding the assessment of the excavation is still subjudice, regarding which a writ petition is also pending and also that the petitioners have already joined investigation, in my opinion, these are fit cases for grant of anticipatory bail to the petitioners. The present petitions, as such, are accepted and the interim directions issued by this Court vide order dated 13.8.2018 and 17.8.2018 are hereby made absolute subject to the condition that the petitioners shall appear before the Investigating Officer as and when directed.

The present petitions stand accepted accordingly.

23.10.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No