

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39302-2018
Date of decision:12.10.2018

Bikka

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Ms. Kuldeep Kaur, Advocate for
Mr. Divjyot S. Sandhu, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of anticipatory bail in respect of FIR No.70 dated 29.08.2018 under Sections 379 of Indian Penal Code, 1860 and Section 21(1) of Mines and Mineral (Development and Regulation) Act, 1957, Police Station Begowal, District Kapurthala.

The allegations in nutshell are that on 20.08.2018 a secret information was received to the effect that Bikka (petitioner) is in habit of mining and selling sand and that in case a raid is conducted he can be caught red handed. Pursuant to the receipt of said information, 'Nakabandi' was held in the area at Dhusi Bandh Ram Mandkula and a tractor-trolley loaded with sand was recovered and it was informed that said was being driven by the Bikka-Bitta who upon seen 'Nakabandi' had fled away leaving tractor-trolley at the spot.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case, he was never arrested at the spot and he was implicated only on the basis of secret information.

On the other hand learned State counsel has filed status report, which is taken on record, wherein it has been informed that apart from the present case, the petitioner is involved in two other identical cases and as such he being habitual offender is not entitled for grant of interim bail. It has further been informed that pursuant to interim directions, the petitioner has joined investigation and no further recovery is required to be made from him.

Having considered the rival submissions addressed before this Court and bearing in mind that the petitioner was not arrested at spot and has already joined investigation, I do not find that it is a case of custodial interrogation. Accordingly the petition is accepted and the interim directions issued vide dated 19.09.2018 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petition is accepted in the above mentioned terms.

(GURVINDER SINGH GILL)
JUDGE

12.10.2018
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**