

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

**CRM-M-41189-2018
Date of decision: 18.12.2018**

Kuldip Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Satpreet Grewal Kapila, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.33 dated 25.02.2018 registered under Section 21 of the Mines and Mineral (Development and Regulation) Act, 1957 at Police Station Tanda, District Hoshiarpur.

The operative part of the order dated 25.09.2018, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that in pursuance to the interim order dated 20.08.2018, passed by the Additional Sessions Judge, the petitioner had joined the investigation, however, later on, his anticipatory bail application was dismissed. Learned counsel for the petitioner further submits that nothing has come on record during investigation that illegal mining was carried out by the JCB machine owned by the petitioner and the petitioner has stated before the Investigating Officer that he has given the said JCB machine on lease for uprooting the poplar trees, therefore, the petitioner is still ready to rejoin the

investigation. Learned State counsel, on instructions from Sub Inspector Dharmidner Singh, submits that investigation is still in progress and the ownership of the land on which the alleged illegal mining was carried out is yet to be ascertained. It is further submitted that the petitioner be directed to rejoin the investigation. List again on 18.12.2018. ”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 25.09.2018, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Paramjit Singh, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 25.09.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

December 18, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No