

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

**CRM-M No.7948 of 2018 (O&M)
Date of Decision: 23.05.2018**

Rahul

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Arvind Kashyap, Advocate for the petitioner.

Mr. A.S.Dhaliwal, Deputy Advocate General, Punjab
assisted by ASI Surender Kumar.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.52 dated 16.12.2017, under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, registered at Police Station Sadar Pathankot, District Pathankot.

This Court, on 08.03.2018, passed the following order:-

“ *Learned counsel for the petitioner submits that the co-accused has already been granted the concession of interim bail by learned Additional Sessions Judge, Pathankot and the petitioner is ready to join the investigation.*

It is very unfortunate that FIR was registered on 16.12.2017, but till date the alleged JCB machine has not been recovered by the Investigating Officer despite the observations made by learned Additional Sessions Judge, Pathankot in the order dated 30.01.2018.

The Senior Superintendent of Police is directed to enquire into the matter and submit a report on or before the next date of hearing.

Adjourned to 01.05.2018.

In the meanwhile, the petitioner is directed to join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to bail on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C. ”

Status Report by way of affidavit dated 19.05.2018 of Sh. Vivek Sheel Soni, IPS, SSP, Pathankot on behalf of the respondent(s) has been filed. The same is taken on record. Copy supplied to the opposite side.

Perusal of the same reveals that the petitioner has joined the investigation and even the recovery of JCB Machine has also been effected from the petitioner in the present case.

In view of above, interim order dated 08.03.2018 of this Court is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C. and the present petition stands disposed off.

May 23, 2018

Gagan

**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>