

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

206

CRM-M-3843 of 2019

Date of decision: 28.03.2019

TINKU

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Satish Chaudhary, Advocate
for the petitioner.

Mr. Sukhdeep Singh Parmar, DAG, Haryana.
Assisted by ASI Mehar Chand.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.0255, dated 22.12.2018, under Sections 279/336/332/353/379/506/34 of Indian Penal Code and Section 21(4) of Mines and Minerals (Regulation of Development) Act, 1957, registered at Police Station Bilaspur, District Yamunanagar.

As per the case of the prosecution, on 22.12.2018 at about 9.00 a.m., a dumper bearing registration No. HR58-B-1708 was seen coming in a rash and negligent manner. It was signalled to stop to show mining slip, however, the driver of the dumper tried to run over the police party. The police party saved their lives by jumping aside. The said dumper was chased by the police party, however, the driver left the same in a vacant plot in front the house of its owner Rinku and fled away after locking it. On checking the dumper, illegal mining material was found lying inside the truck.

Learned counsel for the petitioner contends that as per the allegations, the petitioner is alleged to be the driver of the dumper who, as per police report, manhandled the police party, when they had gone to apprehend him. It is further contended that the petitioner is in custody since 2.1.2019 and nothing has to be recovered from him.

The aforesaid facts are not disputed by learned State counsel. As the petitioner is in custody since 2.1.2019 and nothing has to be recovered from him, therefore, no useful purpose would be served in keeping the petitioner behind bars.

Considering the above background and stage of trial, this Court is of the opinion that further detention of the petitioner is not justified. Therefore, without meaning any expression opinion on the merits of the case, petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Yamunanagar.

The petition is allowed.

March 28, 2019

Poonam Sharma

**(MANOJ BAJAJ)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No