

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-18356-2019 (O&M)
Date of Decision:- 20.5.2019

Mujji @ Mujahid

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arjun Atri, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Mujji @ Mujahid seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.280, dated 25.12.2018, registered at Police Station Pinangwan, District Nuh, under Sections 379 and 188 IPC.
2. The FIR was lodged at the instance of Subash Chand, Forest Guard, wherein it has been alleged that some mischievous elements indulged in illegal mining with the help of their tractor trolleys and remove stones and sell them in nearby villages. It is alleged that although the mining has been forbidden and the people have been restrained from going to the hills but they steal stones during night and during odd

hours. It is alleged that on 22.11.2018 when the complainant was patrolling at about 9.30 am, he saw some persons stealing stones and while he made a video clip of one of the tractors the other two tractors fled away from the spot. Upon inquiries it has been found that the same belong to Imtiyaz son of Mehboob, Murji @ Mujahid son of Iliyas and Nisar son of Mehboob and another two unknown persons

3. Learned counsel for the petitioner has submitted that the FIR was lodged more than one month of the alleged occurrence and that there is nothing on record to show as to how the petitioner came to be nominated in the FIR.
4. Learned State counsel has however, opposed the petition and has submitted that since the name of the petitioner finds specifically mentioned in the FIR, no case for grant of bail is made out. However, upon a query made by this Court as to whether the registration numbers of the tractors were reflected in the video clip allegedly made by the complainant as has been mentioned in the FIR, learned State counsel upon instructions from SI Bachhu Singh, responded that the registration numbers are not visible in the video clip.
5. In view of the aforestated position, it remains unexplained as to how the petitioner came to be nominated in the FIR. The petition, as such, is accepted. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation 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.

6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

May 20, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No