

In the High Court of Punjab and Haryana at Chandigarh

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**CRM-M-20926-2019 (O & M)
Date of Decision: 09.07.2019**

IMRAN

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Pardeep Chhokar, Advocate for
Mr. Namit Khurana, Advocate for the petitioner.

Mr. Kapil Aggarwal, Addl. AG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 34 dated 03.03.2019 under Section 21 (4) (1) of the Mines and Minerals Act, 1957 and Section 379 of the Indian Penal Code registered at Police Station Khizrabad, District Yamuna Nagar.

Learned counsel for the petitioner contends that in terms of the Haryana Minor Mineral Concession, Stocking and Transportation of Minerals, and Prevention of Illegal Mining Rules, 2012, an FIR can only be lodged if there is a third violation. He also contends that this is the first instance where the petitioner has allegedly been found to have indulged in the commission of said offence on the basis of which the instant FIR has been registered. He further contends that no other case has been registered against the petitioner and he is ready and willing to join the investigation.

This Court, by the order dated 08.05.2019, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, on instructions from ASI Rakesh Kumar, states that the petitioner has joined investigation and is not required for custodial interrogation.

In view of the submissions of learned counsel for the petitioner and keeping in view the fact that the petitioner has joined investigation, the order dated 08.05.2019 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

July 09, 2019

A.Kaundal

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