

**PUNJAB AND HARYANA HIGH COURT
CHANDIGARH**

212

CRM-M-21052-2019

Date of decision : 06.11.2019

Balbir Singh

Petitioner.....

V/s

State of Haryana

Respondent.....

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. Arjun Singh Yadav, A.A.G. Haryana.

ARUN KUMAR TYAGI, J. (Oral)

Prayer in the petition is for grant of anticipatory bail to the petitioner in case FIR No.158 dated 30.08.2018 registered under Section 379 of the Indian Penal Code, 1860 and Section 21(4A) of the Mines & Mineral (Regulation of Development) Act, 1957 at Police Station Khizrabad, District Yamuna Nagar.

While issuing notice of motion, the petitioner was granted interim bail by the Coordinate Bench of this Court vide order dated 09.05.2019 with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned Counsel for the petitioner as well as learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner is not owner of the land in question and is residing 60 Kms. away. The petitioner has joined the investigation and in view of denial of

allegations of illegal mining, custodial interrogation is not necessary for recovery of equipment of illegal mining.

Learned State Counsel, on instructions from S.I. Surinder Kumar, has acknowledged that in compliance with order dated 09.05.2019 passed by this Court, the petitioner joined investigation and submitted that his custodial interrogation is required for effecting recovery of equipment of mining.

In view of the facts and circumstances of the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail. Therefore, the petition is allowed and order dated 09.05.2019 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation if and as and when again called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C.

06.11.2019

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(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No