IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision: 25.01.2019

1. CRM-M-61847-2018

Galib

... Petitioner

Versus

State of Haryana

... Respondent

AND

2. CRM-M-211-2019

Mustafa

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Ankur Sidhar, Advocate for
Mr. Mohit Rathee, Advocate,
for the petitioner in CRM-M-61847-2018.

Mr. Namit Khurana, Advocate,
for the petitioner in CRM-M-211-2019.

Mr. Tanuj Sharma, AAG, Haryana.

INDERJIT SINGH, J. (Oral)

This order shall dispose of CRM-M-61847-2018, filed by petitioner-Galib and CRM-M-211-2019, filed by petitioner-Mustafa, under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.')

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for grant of anticipatory bail in case FIR No.207 dated 01.12.2018, registered at Police Station Khizrabad, District Yamuna Nagar, under Sections 21 (4) (A) of the Mines and Minerals (Regulation of Development) Act, 1957 and Section 379 of the IPC.

Notice of motion was issued in both these petitions. Learned State counsel put in appearance on behalf of the respondent-State and contested these petitions.

I have heard learned counsel for the petitioners as well as learned State counsel and gone through the record.

As per the FIR, Mining Inspector alongwith others, during inspection on the spot, found two tractor-trolleys involved in illegal mining. On seeing the checking party, driver of one of the tractors ran away alongwith tractor-trolley from the spot towards Uttar Pradesh and another tractor driver left the spot by leaving the tractor-trolley there.

In pursuance of the interim orders dated 21.12.2018 passed in CRM-M-61847-2018 and 08.01.2019 passed in CRM-M-211-2019 by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. Recovery has already been effected. Therefore, no useful purpose will be served by sending the petitioners to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in both these petitions and the same are allowed. The orders dated 21.12.2018 passed in

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CRM-M-61847-2018 and 08.01.2019 passed in CRM-M-211-2019, granting interim bail to the petitioners, are made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

25.01.2019 **(INDERJIT SINGH)**
parveen kumar **JUDGE**

Note: Whether speaking/reasoned : Yes
Whether reportable : No

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