

CRM-M-11905-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11905-2020

Date of Decision: 04.08.2020

Pushpa

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Shilak Ram Hooda, Advocate,
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

Through this second petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No.28 dated 05.02.2020, registered at Police Station Sadar Bahadurgarh, District Jhajjar, under Section 379 IPC and Sections 4(1), 4(1)(a) and 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 3 of the Prevention of Damage to Public Property Act, 1984.

On 27.05.2020, this Court passed the following order:

“Case is taken up for hearing through video conferencing.

Through this second petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 28 dated 05.02.2020 registered under Section 379 IPC and Sections 4(1), 4(1)(a) and 21(1) of Mines and Mineral (Development and Regulation) Act 1957 and Section 3 of

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Prevention of Damage to Public Property Act, 1984, at Police Station Sadar Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner states that after the dismissal of the first anticipatory bail application vide order dated 25.02.2020 the petitioner has deposited the compensation, as per the terms and conditions laid down by the National Green Tribunal, New Delhi, alongwith the penalties.

Notice of motion.

On the asking of this Court, Mr. Manish Bansal, DAG, Haryana accepts notice on behalf of the respondent-State. He has pointed out that after the dismissal of first anticipatory bail application, the petitioner approached to the Hon'ble Supreme Court, for anticipatory bail and the same was also dismissed. He has not disputed the factum of depositing of compensation amount with penalties after the dismissal of the first anticipatory bail application.

As per the order dated 12.03.2020 passed by the Assistant Mining Engineer, Mines & Geology Department, Rohtak/Jhajjar, the petitioner has deposited the compensation and the department has also realised the penalties fixed on it. The amount has been deposited with the Mining Department as per the instructions laid down by the National Green Tribunal, New Delhi, vide order dated 19.02.2020 and the department has also sought for the legal advice for the cancellation of the FIR.

Adjourned to 04.08.2020.

In the meantime, the petitioner is directed to join the investigation and if she is sought to be arrested, she shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.”

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Learned counsel for the petitioner states that pursuant to the order dated 27.05.2020 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Rajinder Singh, submits that the petitioner has joined the investigation and is not required for any further investigation.

Looking to the circumstances, but without commenting on the merits of the case, the present petition is allowed and the order dated 27.05.2020 granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438 (2) Cr.P.C.

04.08.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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