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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.12115 of 2020 (O&M)
Date of Decision: 14.07.2020

MAKHAN SINGHPetitioner
Vs
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Riffi Birla, Advocate
for the petitioner.

Mr. H.S. Sullar, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of anticipatory bail in case bearing FIR No.24 dated 31.03.2018 registered under Sections 21 of the Mines & Mineral (Development and Regulation) Act, 1957 and 379 IPC, registered at Police Station City Fazilka, District Fazilka.

On 11.05.2020, following order was passed by this Court:-

"The case has been taken up for hearing through video-conferencing.

Learned counsel for the petitioner contentds that the Additional Sessions Judge, Fazilka vide order dated

03.03.2020 directed the petitioner to join investigation within 10 days, but the petitioner could not join the investigation, owing to the present circumstances and on account of some misunderstanding. The FIR for the offence under Section 21 of Mines & Mineral (Development and Regulation) Act, 1957 shall remain debatable, as the cognizance of the offence can only be taken on a written complaint filed by the department. Offence under Section 379 IPC was added after 9 months of the original FIR vide Rapat No.20 dated 07.12.2018.

Notice of motion for 14.07.2020.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 18.05.2020 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submitted that in compliance of the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Gurnam Singh admitted the aforesaid fact and submitted that the petitioner is no more required for further investigation of the case.

Invoking of offence under Section 21 of Mines & Minerals (Development and Regulation) Act, 1957 shall remain debatable in terms of its cognizance which can only be taken on

a written complaint filed by the Department. The offence under Section 379 IPC came to be incorporated after 9 months of the original FIR.

In view of aforesaid factual position, the interim order dated 11.05.2020 is made absolute. Petitioner shall keep on joining the investigation as and when directed to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

July 14, 2020
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No