

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-12258-2020 (O&M)
Date of Decision:29.07.2020**

Isran and others

.....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Namit Khurana, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in FIR No.127 dated 20.09.2019 under Section 21(4)(1) of Mines and Minerals Act, 1957 registered at Police Station Partap Nagar, District Yamuna Nagar.

While issuing of notice of motion, the following order was passed by this Court on 13.05.2020:-

CRM-10497-2020

Allowed as prayed for.

CRM-M-12258-2020

Matter has been taken up through Video Conferencing

via WhatsApp facility in the light of the COVID-19 situation and as per instructions.

Petitioners seek concession of pre-arrest bail in FIR No.127 dated 20.09.2019 under Section 21(4)(1) of Mines and Minerals Act, 1957 registered at Police Station Partap Nagar, District Yamuna Nagar.

FIR has been registered on the complaint of the concerned Mining Officer alleging that the petitioners herein have resorted to illegal mining in an area of approximately six acres.

Counsel inter alia contends that the petitioners were neither apprehended at the spot nor is there any complaint at the hands of the owners or lessees of the land in question. Yet another contention raised by counsel is that certain photographs have been placed on the police file pertaining to the spot in question and which does not reflect the presence of the present petitioners.

Notice of motion for 29.07.2020.

Mr.Saurabh Mohunta, Deputy Advocate General, Haryana who has also joined proceedings in this WhatsApp facility, accepts notice. A complete copy of the petition already stands furnished to learned State counsel.

In the meanwhile, petitioners are directed to join investigation.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join

investigation as and when called upon to do so and they shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C .”

Learned State counsel upon instructions from ASI Jasbir Singh, informs the Court that the petitioners have since joined investigation and are not required for custodial interrogation.

In view of the above petition is allowed. Order dated 13.05.2020 is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

July 29, 2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No