

CRM-M-13049-2020 &
CRM-M-13056-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

Date of Decision: 24th July, 2020

CRM-M-13049-2020

Gurcharan Singh

...Petitioner

Versus

State of Punjab

...Respondent

(2)

CRM-M-13056-2020

Amrinder Singh @ Lala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. Onkar Rai, Advocate for the petitioners.
Mr. B.S. Sewak, Addl. A.G., Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this order, I propose to dispose of CRM-M-13049-2020, titled as 'Gurcharan Singh Versus State of Punjab' and CRM-M-13056-2020, titled as 'Amrinder Singh @ Lala Versus State of Punjab'.

It is not in dispute that the petitioners, in pursuance to the orders dated 28.05.2020 passed by this Court, have joined investigation.

Counsel for the State submits that the petitioners are not cooperating in the investigation as they are not getting the recovery of JCB machines and tippers, which were being used in the illegal mining of the mines and minerals from their land. They being owner of the land were required to know as to which machine is being used in the excavation. He, thus, contends that the concession of anticipatory bail, which has been

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granted to the petitioners, be not extended.

On the other hand, counsel for the petitioners submits that the FIR was registered on the basis of a secret information where it was alleged that the petitioners along with co-accused were indulging in illegal mining with the help of JCB machines and tippers. As a matter of fact, no raid was conducted and the present FIR has been registered against the petitioners. He contends that there is no allegation against the petitioners that they are either owner or taken the machines as well as tippers for carrying out the said activity. Petitioners having joined the investigation had informed the Investigating Agency the details whichever were known to them.

I have considered the submissions made by the learned counsel for the parties and do not find any justification for ordering the custodial interrogation of the petitioners especially when there is no allegation with regard to the fact that the JCB machines/tippers were either owned by the petitioners or they had arranged the same for the illegal mining by taking it on rent. The petitioners having joined investigation, orders dated 28.05.2020 passed by this Court granting interim bail to the petitioners are hereby confirmed.

These petitions are disposed accordingly.

Petitioners shall, however, continue to join investigation and appear before the Investigating Officer as and when required by him.

(AUGUSTINE GEORGE MASIH)
JUDGE

24th July, 2020
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No