

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

CRM-M-14553-2020 (O&M)

Date of Decision: 28.07.2020

Kuldeep Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Dr. Payel Mehta, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

....

TEJINDER SINGH DHINDSA, J. (ORAL).

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

This order shall dispose of the instant petition filed under Section 438 Cr.P.C seeking anticipatory bail to the petitioner in case FIR No.28, dated 01.03.2020, under Sections 148/149/186/353 IPC and Section 21(4) of the Mines and Minerals (Regulation of Development) Act, 1957, registered at Police Station Raipur Rani.

While issuing notice of motion, the following order was passed by this Court on 11.06.2020:

“The petitioner prays for grant of pre-arrest bail in a criminal case arising out from FIR No.28, dated 01.03.2020, registered under Sections 148/149/186/353 IPC and Section 21(4) of Mines and Minerals (Regulation of Development) Act, 1957, at Police Station Raipur Rani.

In a nutshell, the present FIR has been registered on the

information supplied by a mining guard posted with Mining and Geology Department, Panchkula. It is alleged that the petitioner with the help of a tractor trolley was illegally mining the sand from the river bed. When the Government officials reached near the spot, the petitioner along with his co-accused fled away on a tractor leaving behind the trolley which belongs to the petitioner. Thereafter, certain persons started pelting stones on the officials.

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Learned counsel for the petitioners contends that the trolley in question does not belong to the petitioner and the petitioner has been falsely implicated.

Notice of motion for 17.06.2020.

On asking of this court, Mr. Deepak Sabharwal, Additional Advocate General, Haryana, accepts notice on behalf of the State and prays for time to get the complete instructions.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from SI Suraj Mal informs the Court that the petitioner has since joined investigation.

That apart, the offence under Section 21(4) of the Mines and Minerals (Regulation of Development) Act, 1957 has been deleted during the course of investigation.

In view of the above, custodial interrogation of the petitioner would not be warranted.

Petition is allowed.

Order dated 11.06.2020 passed by this Court is made absolute.

Disposed of.

28.07.2020

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |