

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

CRM-M-17322-2020 (O&M)

Date of decision: 09.09.2020

Piara Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Naveen Batra, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Piara Singh, an accused in FIR No.111 dated 13.06.2020, for offences under Sections 21(1), 4(1) and 4(1)(A) of Mining & Mineral (Development & Regulation) Act, 1957, registered with Police Station Nangal, District Rupnagar.

The FIR in question had been registered on a written complaint submitted by Junior Engineer cum Mining Inspector Sri Anandpur Sahib to the police with regard to illegal mining of minor minerals (Gravel and sand) in the area of Khera Kamlot, contending therein that on 12.06.2020 when night inspection was done in the village in question, one tipper and poclain machine was recovered at the spot while extracting minor minerals. The driver of the machine and tipper

succeeded in running away under cover of darkness. After registration of the FIR, the matter was investigated.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions at Rupnagar, seeking pre-arrest bail. His such application was assigned to Addl. Sessions Judge, Rupnagar, who vide order dated 23.06.2020, dismissed the application. Therefore, he has knocked at the door of this Court, praying for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner states the petitioner is not named in the FIR and he has nothing to do with alleged illegal mining. He is just a truck driver earning his livelihood by driving a truck. The petitioner has since joined the investigation as per the orders of this Court and no recovery is to be effected from him. As such, the petition be accepted.

Learned State counsel, on instructions from ASI Gurnaib Singh concedes this fact of petitioner having joined the investigation, further stating that the custodial interrogation of the petitioner is not required by the local police.

It being so, the interim bail granted to the petitioner, vide order dated 03.07.2020 is made absolute, subject to the following conditions:-

1. That the petitioner shall make himself available for interrogation by a police officer as and when required;
2. That he shall not directly or indirectly make any

- inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;
- 3.That he shall not leave India without prior permission of the Court.
- 4.He shall surrender his passport before the Investigating Officer and if he is not having passport, then, shall file the affidavit in that regard.

In case, the petitioner violates any terms & conditions, on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

The petition stands allowed accordingly.

09.09.2020

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(H.S. MADAAN)
JUDGE

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