

201 (2nd case)

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

CRM-M-19199-2020

Date of decision : 10.09.2020

Maskeen Ali and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

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

Mr. Ramandeep Sandhu, Senior DAG Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.80 dated 13.06.2020 under Sections 21(1), 4(1) and 4(1)(A) of Mines & Minerals (Development & Regulation) Act, 1957 and Section 188 of Indian Penal Code, 1860 registered at Police Station Anandpur Sahib, District Rupnagar.

On 17.07.2020, the following order was passed:-

“Heard through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.80 dated 13.06.2020 registered under Section 188 of the Indian Penal Code, 1860 and Sections 21(1), 4(1) and 4(1)(A) of Mines & Mineral (Development & Regulation) Act,

1957 at Police Station Anandpur Sahib, District Rupnagar.

It has been contended by learned counsel for the petitioner that the petitioner is not named in the FIR and in fact the vehicles were taken into possession by the police from outside a dhaba. The present petitioner was named by the owners of the vehicles. The counsel further contends that the petitioner only used to drive one of the vehicles and that no FIR has been registered against the owners of the vehicles.

Notice of motion.

On the asking of the Court, Mr. Jagmohan Singh Ghuman, DAG, Punjab has joined the session through video conferencing and accepts notice. On instructions from SI Rakeshwinder Singh, he contends that this is a case under the Mines & Mineral (Development & Regulation) Act, 1957 and it is a serious offence. However, he is not in a position to deny the fact that as of now there is no FIR against the owners of the vehicles. The State counsel further contends that the petitioner, who is a driver of the vehicle, has been nominated by one of the owners.

Adjourned to 10.09.2020.

Let a status report be filed before the next date of hearing. Meanwhile, the petitioner shall join the investigation and would come present as and when called. In the event of arrest, the petitioner shall be admitted to bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall abide by all terms and conditions as specified under Section 438(2) of the Criminal Procedure Code, 1973”

Learned counsel for the State, on instructions from SI Rakeshvinder Singh, has stated that the petitioner has since joined investigation and is no longer required for further investigation as of now.

In view of the above, the order dated 17.07.2020 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

Disposed off accordingly.

September 10, 2020
kv

(ALKA SARIN)
JUDGE

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No