

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-21637-2020 (O&M)
Date of Decision:-10.9.2020

Mohammad Ashiq and another	...	Petitioners
Versus		
State of Haryana	...	Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Karan Sharma, AAG, Haryana assisted by
ASI Suresh Chand.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.95 dated 22.6.2020 at Police Station Partap Nagar, District Yamuna Nagar under Sections 332, 353, 379-A, 506, 34 of Indian Penal Code and Section 21(4)(1) of Mines and Minerals Act, 1957, wherein Section 379-A IPC was deleted later on.
2. The FIR in question was lodged pursuant to receipt of secret information to the effect that one HM loader and one dumper were being used for illegal mining in the area towards back side of a hotel situated in front of Mahadev Screening Plot. Upon receipt of said information, the mining officials alongwith police officials went to the spot where the aforesaid two vehicles were found. However, shortly thereafter, about 15-20 persons with muffled faces came there and manhandled the police officials and the mining officials

and also pulled down Constable Dharmender, who was trying to take HM loader into possession. It is further the case of prosecution that said two persons, who had pulled down Constable Dharmender, came to be identified as Mehtab and Manouver.

3. The learned counsel for the petitioners has submitted that the petitioners are not named in the FIR and that infact are sought to be nominated as accused on the basis of disclosure statement allegedly made by Mehtab and Manouver.
4. Opposing the petition, the learned State counsel has submitted that since the petitioners have been specifically named by co-accused and infact the vehicles in question were found at the nominated place, which were found to be used for illegal mining, no case for grant of anticipatory bail is made out. The learned State counsel, upon instructions from ASI Suresh Chand, has, however, informed that the petitioners have since joined investigation.
5. Having regard to the facts and circumstances of the case especially that the petitioners were never apprehended at the spot and are sought to be nominated as accused on the basis of disclosure statement made by co-accused and have since joined investigation, the petition is accepted and the interim directions issued by this Court vide order dated 5.8.2020 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

10.9.2020

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

**(Gurvinder Singh Gill)
Judge**