

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

116

CRM-M-22098-2020
Date of decision : 07.08.2020

Daljit Singh

...Petitioner

Versus

State of Punjab

...Respondent

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IN VIRTUAL COURT

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CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Ankur Mittal, Advocate
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

Present petition has been filed under Section 438 of the Cr.P.C. for seeking anticipatory bail to the petitioner in FIR No. 44 dated 15.07.2020, under Section 4(1) and 21(1) of the Mines and Minerals Development and Regulation Act, 1957 (offence under Section 120-B IPC added later on), registered at Police Station Mukandpur, District SBS Nagar.

It is contended by learned counsel for the petitioner that the case against the petitioner is baseless. The recovery of alleged material was not effected from the petitioner. The recovery was effected from the co-accused, who had borrowed the tractor and trolley of the petitioner. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Hitten Nehra, Addl.A.G., Punjab, accepts notice on behalf of the respondent.

Learned State counsel submits that the petitioner is the owner of the tractor trolley, which was found filled with the illegally mined earth. Even the co-accused from whom the recovery was effected has made a statement that he had done this activity on instructions from the present petitioner.

Since the tractor trolley and the alleged material already stands recovered, therefore, the petitioner can be protected against his arrest.

In view of the above, the present petition is allowed. It is ordered that the petitioner shall join the investigation as and when so required by the Investigating Agency. However, the Investigating Officer is directed to release the petitioner on bail on his furnishing bail bonds/surety to the satisfaction of the Arresting Officer, in case he is arrested. It is further directed that the petitioner shall also observe the other conditions as required under Section 438(2) of Cr.P.C.

(RAJBIR SEHRAWAT)
JUDGE

07.08.2020
anju

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No