

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

CRM-M-28315 of 2020

Date of Decision: 17th September, 2020

Mukhtiar Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Achin Gupta, Advocate
for the petitioner.

Ms. Samina Dhir, DAG Punjab.

AVNEESH JHINGAN, J.(oral)

The matter has been taken up for hearing through video conferencing due to COVID-19 situation.

The present petition is for grant of anticipatory bail to Mukhtiar Kaur, aged 70 years, in FIR No. 64 dated 29.8.2020, under Section 379 IPC, 1860 and Section 21 of Mines and Minerals (Development and Regulation) Act, 1957, registered at Police Station Bajakhana, District Faridkot.

In the FIR it is alleged that an information was received on 29.8.2020 regarding illegal mining at village Jhakharwala. The spot was visited by the police party including the SHO of Police Station Jhakharwala. It is alleged that in presence of Halqa Patwari, a fresh pit was found but the mining work was not going on, there was neither any person nor machinery. The petitioner was named being the owner of the land.

Learned counsel for the petitioner submits that she has been falsely implicated. She is a widow and is suffering from Parkinson's disease.

Learned State counsel appearing on advance notice on instructions from Inspector Iqbal Singh submits that the petitioner is the owner of the land, hence, is the main accused.

Considering the allegations levelled in the FIR, the age and medical condition of the petitioner, the petitioner is granted anticipatory bail subject to her joining investigation within two weeks from today. She shall abide by the conditions as envisaged in Section 438(2) Cr.P.C. In case the petitioner is arrested during the investigation she would be released on furnishing of regular bail bonds.

In case the petitioner fails to join the investigation, State would be at liberty to file an application for recalling of the order/cancellation of anticipatory bail passed by this Court.

Disposed of.

17th September, 2020

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No