

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

105

=====

IN VIRTUAL COURT

=====

**CRM-M No. 35543 of 2020
Date of decision : 3.11.2020**

Gurmej Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Kamal Narula, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 169 dated 19.10.2020, under Section 379 IPC and Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957, registered at Police Station Sadar Jalalabad, District Fazilka.

It is submitted by the counsel for the petitioner that the case against the petitioner is totally baseless. Nothing has been recovered either from the petitioner or in his presence. The name of the petitioner is sought to be involved in the case only on the basis of alleged recovery of the trolley filled with sand, allegedly found attached to the tractor of the petitioner. However, even this recovery is totally concocted. In any case, the recovery already stands effected. It is also submitted that there is no other case against the petitioner. The petitioner shall join the investigation. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Ramdeep Partap Singh, DAG, Punjab, accepts notice on behalf of the State.

The counsel for the State, being instructed by ASI Satpal Singh, submits that on a specific information, the petitioner was found involved in illegal mining. Although the petitioner had fled away from the scene, his tractor trolley was found filled with illegally mined sand. Accordingly, the same was taken into possession. However, it is not disputed that there is no other case against the petitioner.

In view of the above, but without commenting any further on the merits of the case, the present petition is allowed. In the event of arrest, the petitioner shall be released on bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

(RAJBIR SEHRAWAT)
JUDGE

3.11.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No