

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

CRM-M-4771-2020 (O&M)
Date of Decision:- 27.7.2021

Rashpal Singh @ Balli

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ferry Sofat, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Sandeep Kumar.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.4, dated 23.1.2020, Police Station Laddowal, District Ludhiana, under Section 379 IPC and Section 21 of Mines and Minerals (Development and Regulation) Act, wherein allegations are broadly to the effect that a secret information was received to the effect that the petitioner was transporting 'sand' in a tipper along with one tractor trolley. Pursuant to receipt of said information a raid was conducted at the nominated place and one Ravinder Singh was arrested at the spot along with tipper and tractor trolley. However, the petitioner was not arrested at the spot.

2. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that neither he was arrested at the spot nor any vehicle belonging to the petitioner was found at the spot.
3. Opposing the petition, learned State counsel has submitted that since the petitioner is a habitual offender and is involved in 8 other identical cases, no case for grant of anticipatory bail is made out. Learned State counsel has however, informed that pursuant to interim directions issued by this Court, the petitioner has joined investigation.
4. I have considered rival submissions addressed before this Court.
5. Having regard to the fact that the petitioner was never arrested at the spot and nor any vehicle was found at the spot which is found to be owned by him and while noticing that the petitioner has joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 3.2.2020 are hereby made absolute subject to the condition that the petitioner 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.

27.7.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No