

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-7618-2021

Date of Decision: 24.02.2021

Mustak Ali @ Mada

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Sanchit Punia, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

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

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.309 dated 16.12.2020 under Sections 148, 149, 332, 353, 379-B IPC and Section 21(4) of the Mines and Minerals(Regulation of Development) Act, 1957, registered at Police Station Chhachhrauli, District Yamuna Nagar.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he came at the scene of occurrence and tried to start the Sonalika tractor and he was stopped by the police. He further submits that there is no allegation against the petitioner that he gave any beating to the police officials or the complainant. Petitioner is in custody since 18.12.2020 and trial in the case is not likely to be concluded in the

near future.

Learned State Counsel, on instructions from ASI Jagdeep Singh, does not dispute the custody period of the petitioner. However, she submits that the petitioner was a member of an unlawful assembly and not only the accused have committed the offence under the Mines & Mineral Act, they have caused injuries to the police officials and in this manner, the accused including the petitioner have obstructed the police officials to perform their lawful duty. Hence, the petitioner is not entitled for bail.

Heard learned counsel for the parties.

The allegation against the petitioner is that he has tried to start the Sonalika tractor at the place of mining and there was no specific allegation of beating given to the police officials. The petitioner is in custody since 18.12.2020. Trial in the case is not likely to be concluded in the near future, thus, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

February 24, 2021
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No