

205(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5609-2020
Date of decision-31.08.2021

MUSTAQ

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Vaishali Kamboj, Advocate for
Mr. R.S. Budhwar, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.235 dated 13.07.2019 under Section 379 Indian Penal Code, 1860 & Section 21 (4) (A) Mines and Minerals (Regulation of Development) Act, 1957 (in the order it is written as 21, 4, 4A, MMRD Act), registered at Police Station Naraingarh, District Ambala. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 10.02.2020, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the

petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the petitioner is not connected to any of the screening plants, which were inspected by the complainant and other officers. It is further contended that on the basis of the inspection, two separate FIRs have been registered for the same offence. According to him, in the given facts, the custodial interrogation of the petitioner may not be necessary.

Notice of motion for 30.06.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by SI Dev Chand does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 10.02.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

31.08.2021

Vipin kumar

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No