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

**CRM-M No.6368 of 2020(O&M)
Date of Decision:07.09.2021**

Harwinder Singh @ Sonu

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Bhuwan Vats, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Mr. Bhuwan Vats, Advocate filed power of attorney on behalf of the petitioner with no objection from original counsel namely Mr. Zorawar Singh Chauhan, Advocate. He seeks permission to appear on behalf of the petitioner. Mr. Bhuwan Vats, Advocate is allowed to appear on behalf of the petitioner.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.396 dated 30.11.2019 registered under Section 379 IPC and Section 21 of the Mines and Minerals (Development and Regulation) Act at Police

Station Phillaur, District Jalandhar Rural.

On 13.02.2020, following order was passed:-

“Learned counsel for the petitioner contends that in respect of offence under Section 21 of Mines and Minerals (Development and Regulation) Act, 1957 (for short 'the Act'), no Court can take cognizance of any offence punishable under this Act, except upon a complaint in writing made by a person authorised in this behalf and in this way, the offence is non-cognizable in nature.

No number of tractor trolley was given in the FIR. Petitioner is not the owner of the aforesaid tractor. Tractor and minor minerals have been recovered by the police.

Learned counsel further submits that the offence is under Section 21 of the Act and the offence in terms of Section 379 IPC is relatable to that offence.

Notice of motion for 01.04.2020.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 19.02.2020 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on ad interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that in compliance of order dated 13.02.2020, the petitioner has joined the investigation.

Learned State counsel on instructions from Sub Inspector Labh Singh submits that the petitioner has joined the investigation on 13.02.2020 itself and even challan has been submitted to the Court. The presence of the petitioner is not required for further investigation in the case.

In view of above, the interim order dated 13.02.2020 is made absolute. However, petitioner shall appear before the trial Court regularly.

Petition stands disposed of.

07.09.2021

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No