

CRM-M-11117-2021

Date of Decision: 05.10.2021

Ramjun

...Petitioner

Versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Namit Khurana, Advocate for the petitioner.

Mr. Gurbir Dhillon, AAG., Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.45 dated 25.02.2021, registered under Sections 21 (4) (1) of Mines and Minerals Act, 1957 and 379 IPC at Police Station Chhachhrauli, District Yamuna Nagar.
3. On 10.03.2021, the following order was passed:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Learned counsel contends that FIR No.45 dated 25.02.2021, under Section 21(4) (1) of Mines and Minerals Act, 1957 and Section 379 IPC, has been registered at Police Station Chhachhrauli, District Yamuna Nagar, in derogation of Rule 104 of the Haryana Minor Mineral Concession, Stocking and Transportation of Minerals and Prevention of Illegal Mining Rules, 2012, as per which, FIR can be registered only in case of third violation, whereas the instant FIR has been registered on account of first violation and that too after delay of three months from the date of alleged incident.

Notice of motion.

Mr. Vivek Chauhan, Addl. A.G., Haryana, accepts notice on behalf of the respondent and requests for time to file reply.

List on 19.04.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail subject to his furnishing bail bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated.”

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from *ASI Subhash* confirms that pursuant to the order of this Court dated 10.03.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated 10.03.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

6. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

05.10.2021
archana

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>