

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

205

CRM-M-8605-2020

Date of Decision: 28.06.2021

Rakesh Kumar @ Himmat Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Pankaj Jain, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Jeet Ram.

(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 vide FIR No.10 dated 30.01.2020 at Police Station Anandpur Sahib, District Rupnagar, under Section 379 IPC and Section 4(1) & 21(1) of the Mines and Minerals (Development and Regulation) Act.
2. The FIR was lodged at the instance of Sanjeevan Kumar, Sarpanch, Gram Panchayat Village Agampur, wherein it is alleged that Satvir Singh, Rohit Kumar, Himmat Singh (petitioner) and Ran Bahadur had caused loss to the Panchayat by way of illegal mining on panchayat land.
3. Learned counsel for the petitioner has submitted that the FIR has been lodged on account of political rivalry and that vague allegations have been levelled and no specific role has been

attributed to any of the accused and that there are no details of the alleged illegal mining.

4. Opposing the petition, learned State counsel has submitted that in the instant case during the course of investigation, a stone crusher has been seized, but the petitioner broke the seal of said stone crusher. Learned State counsel has, however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and that he is not wanted in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case and while bearing in mind that the petitioner has since 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 27.02.2020 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.

28.06.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**