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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15768 of 2021(O&M)
Date of Decision: 13.07.2021

Baljinder Singh

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J. (Oral)

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

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.37 dated 16.02.2021 registered under Section 379 IPC and Section 21(4) of the Mines and Minerals (Development and Regulation) Act at Police Station Chhachhrauli, District Yamuna Nagar.

On 09.04.2021, following order was passed by this Court:-

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

Learned counsel for the petitioner contends that FIR was registered at the instance of Assisting

Mining Engineer for taking legal action against owner and driver of the dumper regarding violation of order of NGT, Delhi. Allegations are that Special Investigation Team was constituted. During inspection of the area, a vehicle was found and confiscated for illegal mining (gravel) for its involvement in its transportation without genuine bill.

Learned counsel further contends that in order to attract offence under Section 379 IPC, there has to be a complaint by the true owner in respect of commission of theft. Under Section 22 of Mines and Minerals (Development and Regulation) Act, 1957, no Court can take cognizance of any offence punishable under this Act, except upon a complaint in writing made by a person authorized in this behalf by the Central Government or the State Government.

*Learned counsel refers to **Harmela Ram vs State of Haryana, 2013(3) RCR (Criminal) 141** and **Jagjit Singh vs State of Punjab, 2014(3) RCR (Criminal) 562**.*

*Learned counsel further submits that if the offence is only under Section 21 of the aforesaid Act, ratio of para no.68 of **State of NCT of Delhi vs Sanjay, 2014(4) RCR (Criminal) 211** would apply.*

Notice of motion for 13.07.2021.

*In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on **16.04.2021** at 11.00 A.M. and in the event of his arrest, he shall be enlarged on ad interim bail, on his furnishing requisite bail bonds/surety bonds subject to the satisfaction of Arresting Officer. However,*

petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case. The case shall be decided on merits on the adjourned date.”

Learned counsel for the petitioner submits that in compliance of the aforesaid order, the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer.

Learned State counsel on instructions from HC Ramesh Kumar admits the aforesaid fact and submits that the petitioner is no more required for further investigation in the case.

In view of aforesaid factual position, the interim order dated 09.04.2021 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

13.07.2021

Prince

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No