

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

207

CRM-M-17049-2021

Date of Decision:12.08.2021

GHANSHYAM

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Gurmeet Singh, AAG, Haryana.

SUVIR SEHGAL, J.(ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

On 23.04.2021, this Court had passed the following order:-

“The Court has been convened through video conferencing due to Covid-19 Pandemic.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No. 45 dated 25.02.2021 under Section 21 (4) of Mines and Minerals Act, 1957 and under Section 379 of the Indian Penal Code, 1860 at Police Station Sadhaura, District Yamuna Nagar.

Counsel for the petitioner contends that though the petitioner is a co-sharer of the land whereon illegal mining was allegedly carried out, but he has not been named in the FIR. Counsel submits that neither any vehicle nor any mining equipment has been seized. He has referred to Rule 104 of Haryana Minor Mineral Concession, Stocking and Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 to submit that the Rule contemplates registration of FIR on third violation but in case of the petitioner, the FIR has been lodged against him on the very first violation. He has referred to the interim order dated 06.08.2018 passed by this Court in CRM-M-33349-2018 titled as “Ritender Versus State of Haryana”, which was made absolute on 16.01.2019.

Notice of motion for 12.08.2021.

On asking of the Court, Mr. Bhupender Singh, DAG, Haryana accepts notice on behalf of respondent-State.

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

Learned State counsel on instructions from ASI Jagdeep Singh, states that the petitioner has joined the investigation and he is no longer required for custodial interrogation. Upon further instructions, he submits that neither any recovery was effected from the petitioner nor is he involved in any other criminal case.

In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 23.04.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

12.08.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No