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

CRM-M No.16864 of 2021

Date of Decision:23.07.2021

JASWINDER KUMAR

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Parveen Bhadu, AAG, 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.38 dated 25.02.2021 registered under Section 21(4) of Mines and Minerals Act, 1957 & 379 IPC at Police Station Sadhaura, District Yamuna Nagar.

On 29.04.2021, following order was passed:-

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

Learned counsel for the petitioner relies upon Rule 104 of Haryana Minor Minerals Concession, Stocking and Transportation of Minerals, and Prevention of Illegal Mining Rules, 2012 to contend that the FIR can only be registered in case of repeated defaults i.e. on more than 3rd occasion. There is no eye-witness. The allegation is of unattended field. Simply on the basis of ownership of site in question, theft has been presumed for lodging the FIR in question.

Notice of motion for 23.07.2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 03.05.2021 at 11:00 AM and in the event of his arrest, he shall be enlarged on interim bail, on 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.

It is made clear that grant of interim order shall not be taken to be an expression on merits of the case in any manner. The case shall be considered on merits on the adjourned date.”

Learned counsel for the petitioner submitted that in compliance of order dated 29.04.2021, petitioner has joined the investigation to the entire satisfaction of the Investigating Officer.

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

In view of aforesaid factual position, the interim order dated 29.04.2021 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.

23.07.2021

Amandeep

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No