

(202) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20001-2021

Date of Decision:20.08.2021

Amandeep Singh @ Amna

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr. Vikas Arora, Advocate
for the petitioner.

Mr. Saurav Khurana, D.A.G. Punjab.

VIKAS BAHL, J. (Oral)

Case is taken up for hearing through video conferencing.

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.37 dated 20.03.2021, under Sections 379 IPC and 21 (1), 4 (1) of Mines and Minerals Development and Regulation Act, 1957 registered at Police Station Sadar Rupnagar, District Rupnagar.

On 19.05.2021, when this case came up before a co-ordinate Bench of this Court, following order was passed:

“Petitioner-Amandeep Singh @ Amna, stated to be aged 33 years, has filed the present petitioner under Section 438 Cr.P.C. Inter alia praying for grant of anticipatory bail in case FIR No.37 dated 20.03.2021, under Section 379 and 21 (1), 4 (1) of Mines and Minerals Development and Regulation Act, 1957, registered at Police Station Sadar Rupnagar, District Rupnagar.

Learned counsel for the petitioner by making reference to pleadings in the petition submits that the ownership records and necessary permission for running the Screening Plant would be obtained by the petitioner in due course. He submits that it is the specific case of the petitioner that no illegal mining activity or the material was found to be processed in the screening plant. In another words, he submits that the machines were only installed

whereas the screening plant was not functional awaiting approval. He further submits that the petitioner is ready to join the investigation and because of COVID situation also, retention of the petitioner behind the bars would be dangerous to his life.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab, accepts notice on behalf of respondent-State through video conferencing.

Without commenting upon the merits of the case and without recording any opinion, in the peculiar facts and circumstances of the present case, this Court deems it appropriate to direct the petitioner to join the investigation and appear before the Investigating Officer.

List on 20.08.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

Learned State counsel is directed to file status report and also clarify as to if in view of the judgment of this Court passed in CWP-PIL-77-2021 titled as 'Court on its own motion v. Union of India and others', the custodial interrogation is essential, and if so, lawful reasons be indicated in the reply.

The petitioner would give a written undertaking that he would not violate any of the provisions of the Act and would not misuse the concession of interim bail.”

Learned counsel for the petitioner has submitted that the petitioner in pursuance of the said order has joined the investigation and is no more required.

Learned State counsel on instructions from Sub Inspector Danish Vir Singh has submitted that the petitioner has joined the investigation and is no more required.

In view of the above facts and circumstances of the case,

without expressing any opinion the merits of the case, interim order dated 19.05.2021 is ordered to be made absolute.

Accordingly, the present petition is allowed.

(VIKAS BAHL)
JUDGE

20.08.2021
rajeev

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No