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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21981-2021 (O&M)

Date of Decision: 22.11.2021

Anokh Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.S. Verma, Advocate for
Mr. Shivraj Angi, Advocate for the petitioner.
Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.58 dated 19.05.2021 under Sections 21(1) Mines and Minerals (Development and Regulation) Act, 1957 and Sections 186, 353, 506 and 34 IPC, 1860, registered at Police Station Fattudhinga, District Kapurthala. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 03.06.2021, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

At the outset, learned counsel for the petitioner submits that due to a typographical error, Section 363 instead of Section 353 is mentioned in the head note, prayer clause as well as in the head note of Annexure P1 i.e. translation of the FIR.

The oral request of learned counsel for the petitioner for correction therein is accepted. Registry is directed to carry out necessary correction in the head note, prayer clause as well as head note of Annexure P1.

Learned counsel for the petitioner submits that petitioner is needlessly being involved in FIR No.58 dated

19.05.2021, under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 and Sections 186, 353, 506, 34 IPC, registered at Police Station Fattudhinga, District Kapurthala. Petitioner was in fact doing earth work and leveling of 02 acres of land owned by him. The FIR in question, it is stated, has been registered due to extraneous considerations and there is no question of petitioner trying to intimidate, abuse physically or otherwise the concerned officials. Petitioner, it is submitted, is not involved in any other criminal case. Learned counsel further submits that petitioner undertakes to join investigation.

Notice of motion.

Mr. Sukhbeer Singh, Asst. A.G., Punjab, to whom an advance copy of the petition has been supplied, accepts notice on behalf of the respondent-State.

At request of learned counsel for the State, adjourned to 01.09.2021.

In the meanwhile, the petitioner shall join investigation as and when required by the Investigating Officer. In the event of his arrest, petitioner shall be released on bail to the satisfaction of Investigating Officer. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner further states that in

deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by SI Kewal Singh does not dispute this fact that the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 03.06.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

22.11.2021
Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No