

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

**CRM-M-27447-2021
Date of decision: 16.11.2021**

Ali and others

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mohd. Salim, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 44 dated 08.03.2021, registered under Sections 323, 324, 506, 148, 149 of the IPC (Section 326 IPC added later on) at Police Station Chattiwind, District Amritsar (Rural).

The operative part of the order dated 16.07.2021, vide which petitioner Nos. 2 to 5 have been granted interim bail and petition qua petitioner No. 1 has been dismissed as withdrawn, is reproduced below:

“Learned counsel for the petitioner contends that *de hors* the merits of the case in terms of availability of royalty slip with the petitioner and pendency of civil suit filed by him, the offence under Section 21 of the Mines and Minerals (Development & Regulation) Act, 1957 (for short 'the Act'), cannot be translated into FIR. 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. In this way, offence is non-

cognizable in nature.

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

Notice of motion for 01.04.2020.”

Learned counsel for the petitioner submits that petitioner Nos. 2 to 5, in pursuance to the order dated 16.07.2021, have already appeared before the SHO/Investigating Officer and have joined the investigation.

Learned counsel for the State, on instructions from ASI Jagir Singh, has not disputed the factual position and submits that petitioner Nos. 2 to 5 have joined the investigation and are no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to petitioner Nos. 2 to 5, vide order dated 16.07.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

16.11.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No