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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28425-2021 (O&M)
Date of Decision: 10.11.2021

Ajit Singh and another

.. Petitioners

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.S. Momi, Advocate for the petitioners.

Mr. Bhupender Singh, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.92 dated 31.03.2021 under Sections 379 and 120-B IPC and Sections 4(1) and 4 (1-A) Mines and Minerals (Development and Regulation Act, 1957), registered at Police Station Sadar Narnaul, District Mahendergarh, Haryana. The petitioners apprehended their arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioners have invited the attention of the Court to the order dated 22.07.2021, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

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

Counsel for the petitioners submits that an e-Rawanna had been issued in favour of his vehicle by the Department of Mines and Geology, Government of Rajasthan on 05.01.2021 at 7:13:46 pm, which was valid upto 12:12:43 am on 06.01.2021. He submits that FIR has been registered against him on the allegation that his vehicle was apprehended at 3.50 am on 06.01.2021, which is factually incorrect, whereas the truck actually was stopped at 11.00 pm on 05.01.2021. He has referred to the appeal, Annexure P-4,

preferred by the petitioner under Rule 109 of the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012, to support his submission. Still further, he contends that a perusal of the FIR shows that no offence under Section 379 IPC is made out against the petitioner.

Notice of motion.

On asking of the Court, Mr. Kuldeep Tiwari, Addl. A.G., Haryana, accepts notice on behalf of the respondent-State. He, upon instructions from ASI Pritam Singh, submits that this is the second default by the petitioner and he is liable to pay penalty in terms of the orders passed by the National Green Tribunal.

List on 10.11.2021.

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

Learned counsel for the petitioners further states that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners 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 HC Mukesh does not dispute this fact that the petitioners have joined the investigation and are 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 22.07.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

10.11.2021
Jasmine Kaur

Whether speaking/reasoned
Whether reportable

Yes No
Yes No