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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25913-2020
Date of decision-08.09.2021

AMRIK CHAND ALIAS AMRIK SINGH ...Petitioner

Vs.

STATE OF PUNJAB ...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Saurav Bhatia, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.51 dated 12.11.2019, under Sections 21 (1) & 4 (1) Mines and Minerals (Regulation and Development) Act, 1957 and Section 420 Indian Penal Code, 1860, registered at Police Station Pojewal, District SBS Nagar. 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 03.09.2020, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Learned counsel for the petitioner submits that

petitioner was found innocent in the inquiry conducted by DSP, Sub Division, Balachaur. Even the co-accused has been admitted on bail by learned Sessions Judge and there is no other case against the petitioner.

Notice of motion for 26.10.2020.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.PC.”

Learned counsel for the petitioner states that pursuant to the order dated 03.09.2020 petitioner has joined the investigation.

Learned State counsel, who is assisted by ASI Surinder Singh does not dispute this fact that the petitioner has joined the investigation , however, oppose the prayer on the ground that JCB machine is yet to be recovered.

At this stage learned counsel for the petitioner has submitted that the investigation in the case is complete and the final report under Section 173(2) Cr.P.C. also stands filed.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 03.09.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

08.09.2021

Vipin kumar

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No