

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

1. CRM-M-27592-2020

Seetar

...Petitioner

Versus

State of Haryana

...Respondent

2. CRM-M-28224-2020

Noor Sain

...Petitioner

Versus

State of Haryana

...Respondent

Date of decision: 27.07.2021

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Brijender Kaushik, Advocate
for the petitioner(s).

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions as they arise out of the same FIR.

These are the first petitions which have been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to petitioners namely Seetar and Noor Sain in case FIR No. 87 dated 07.03.2020, registered under Section 21(4)(A) of the Mines & Minerals (Development and Regulation) Act, 1957 and Sections 188 and 379 of the IPC at Police Station Naraingarh, Ambala, Haryana.

Learned counsel for the petitioners submits that as per allegations in the FIR registered at the instance of complainant-Mining Officer, Mining and Geology Department, Ambala, it is stated that the petitioners i.e. Seetar and Noor Sain were running a screening plant in an illegal manner adjoining the land of the Government, without seeking any license or permission from the concerned authorities.

Learned counsel for the petitioners further submits that on 14.09.2020, it was observed that the photographs shown by the State counsel regarding excavation of the soil was not from the disputed portion.

Learned counsel for the petitioners further submits that it was also noticed that registration of the FIR in terms of Section 22 of the Mines & Minerals (Development and Regulation) Act, 1957 is not tenable as only a complaint could be filed.

Thereafter, the arrest of the petitioners was stayed, however, no direction was issued to join the investigation.

Reply by way of affidavit of the Deputy Superintendent of Police, Naraingarh is on record, wherein, it is stated that the FIR is maintainable as per the judgment of the Hon'ble Supreme Court, however, learned State counsel submits that the petitioners are required to join the investigation for completing the investigation of the FIR.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case and considering the fact that the petitioners are on interim bail for the last about 11 months and have not misused the same, the instant petitions are allowed and the petitioners are granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioners to join investigation, if so required, by issuing them a written notice in this regard, within a period of 15 days from today.

A photocopy of this order be placed on the file of other connected case.

27.07.2021
Chetan Thakur

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No