

CRM-M-30228 of 2020

**238IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-30228 of 2020
Date of decision: 21.01.2021

Hushiar Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Neeraj Madaan, Advocate, for the petitioner.
Mr. Amit Mehta, Sr. DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks the grant of anticipatory bail in FIR No.277 dated 14.08.2020 under Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 registered at Police Station Sadar Fazilka.

Briefly stated, the police received a secret information that the petitioner was digging a pit on panchayat land and then committing theft of the sand extracted therefrom. Acting on such information the police laid a barricade and saw the petitioner coming on a tractor trolley loaded with sand and when the petitioner was stopped he fled from the spot.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case; as per panchayatnama dated 23.09.2020 (Annexure P-2) construction material which was lying scattered around the village was being transported by the petitioner for the

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benefit of the village; there is no other criminal case in which the petitioner is involved and that under the interim orders passed by this Court the petitioner has not only joined the investigation but has also fully co-operated with the investigating agency.

Learned State counsel admits to the fact that the petitioner is not involved in any other criminal case and that he has joined the investigation. He further submits that the State does not require petitioner's custodial interrogation.

After considering the totality of the above facts especially the statement made by the learned State counsel that the petitioner has joined the investigation and his custodial interrogation is no longer required, the order of this Court dated 29.09.2020 granting ad-interim anticipatory bail to the petitioner is made absolute.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

January 21, 2021
R.S.

(Deepak Sibal)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No