

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32874 of 2020
Date of Decision: 05.02.2021

Pala Khan

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Keshav Pratap Singh,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 16.11.2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks the concession of 'pre-arrest bail' upon FIR No. 191 having been registered at Police Station Nangal, District Ropar, on 05.09.2020, alleging therein the commission of offences punishable under Sections 21 (1) and 4 (1) of the Mines and Minerals Act, 1957.

Learned counsel for the petitioner submits that the petitioner is the owner of the truck that is alleged to have been apprehended at a place where, as per the investigating agency, it should not have been while carrying mines and minerals, for which a bill was duly produced.

He further submits that in fact even the driver of the vehicle

was not apprehended at the spot, so as to how the vehicle came to be present at the spot also needs to be explained by the investigating officer.

He next submits that there is no other criminal case registered against the petitioner.

Learned State counsel, on the other hand, submits that the bill was found to be a fake bill and consequently, the petitioner does not deserve to be admitted to bail.

Having considered the matter, without making any comment on the actual merits of the case, the petitioner is directed to join investigation within one week and upon him joining investigation, in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with the conditions stipulated in Section 438 (2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

Adjourned to 01.02.2021.

A gazetted police officer is directed to file a reply to the petition, with the Mining Officer concerned to also file a reply, stating therein specifically as to whether any offence punishable under the Mines and Minerals (Development and Regulation) Act, 1957, or the Punjab Minor Mineral Concession Rules, is made out at all, or not.”

Though even today no reply of any Mining Officer is on record, with the only reply to the petition being by the DSP, Nangal, learned State counsel submits that, as per the instructions of ASI Gurdev Singh, the petitioner having joined investigation presently his custodial interrogation is not required.

Learned counsel for the petitioner submits that the petition may be disposed of in terms of the aforesaid statement.

That being so, the petition is allowed and the aforesaid order made absolute on the same terms and conditions.

February 05, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No