

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38448-2021

Date of Decision: 01.10.2021

Jaswant Singh

...Petitioner

Versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Tarun Sharma, Advocate for the petitioner.
Mr. Sukhbeer Singh, AAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.0046 dated 11.08.2021, registered under Section 379 IPC, 1860 and Section 21 (3) Mines and Minerals (Regulation of Development) Act, 1957, at Police Station ArifKe, District Ferozepur.
3. On 16.09.2021, the following order was passed:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Payer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.0046 dated 11.08.2021, registered under Section 379 IPC, 1860 and Section 21(3) Mines and Minerals (Regulation of Development) Act, 1957, at Police Station ArifKe, District Ferozepur.

Learned counsel contends that the petitioner has been implicated in a false case solely on the basis of secret information, petitioner was not apprehended at site, no details of the tractor used have been given, trolley alleged to have been recovered along with sand loaded on the same does not belong to the petitioner and he has been implicated in the said case solely due to political vendetta.

Notice of motion.

Mr. Sukhbeer Singh, AAG, Punjab accepts notice on behalf of the respondent-State and on instructions from ASI, Balvinder Singh confirms that no details by way of number of the tractor used in the alleged commission of the offence, have been given in the FIR nor does the trolley loaded with the sand recovered bear any identification mark so as to connect the same as belonging to the petitioner and that apart from the secret information, there is no other material to connect the petitioner with the commission of the offence.

Adjourned to 01.10.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail, subject to his furnishing bail / surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall also abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated.”

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from SI Balwinder Singh confirms that pursuant to the order of this Court dated 16.09.2021, the petitioner

joined investigation, fully cooperated with the police, was released on ad interim pre arrest bailand that his custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated16.09.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

6. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

01.10.2021
'Amit'

Whether speaking/ reasoned	:	Yes/No
Whether reportable	:	Yes/No