

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-34005-2020 (O&M)

Date of Decision:-7.1.2021

Nachhattar Singh @ Nachhattar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Puneet Kumar Bansal, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Gurdeep Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.128 dated 13.9.2020 at Police Station Makhu, District Ferozepur under Section 379 of Indian Penal Code, 1860 and Section 21(3) of Mines and Minerals (Development and Regulation) Act, 1957.
2. At the time of issuance of notice of motion on 2.11.2020, the following order was passed:

“Counsel for the petitioner inter alia contends that there is no other criminal case much less in respect of illegal mining registered against the petitioner. It is further argued that in respect of alleged illegal transportation of sand, owner of vehicle No.PB-30-AJ-6411 has already paid fine amounting to Rs.2,07,672/- in respect whereof receipt Annexure P3 has been placed on record. It is further argued that alleged recovery has already been effected and custodial interrogation

of the petitioner is not required who otherwise is ready to join investigation and co-operate throughout.

Notice of motion.

Ms. Samina Dhir, DAG, Punjab accepts notice on behalf of State of Punjab.

Counsel for State, on instructions, would inform that there is no criminal case registered against the petitioner in the area of Ferozepur.

Be listed on 07.01.2021.

In the meantime, petitioner is directed to join investigation within seven days and on his appearance before the arresting/investigating officer, he shall be admitted to bail on his furnishing bail bonds to the satisfaction of the concerned officer.”

3. The learned State counsel, upon instructions from ASI Gurdeep Singh, has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation.
4. Having regard to the aforestated position and the fact that the petitioner is stated to be driver of the vehicle in question, whereas the owner is already stated to have paid an amount of Rs.2,07,672/- as fine and that the petitioner has already joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 02.11.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

7.1.2021

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge