

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-38913 of 2020
Date of Decision : 09.09.2021

Mohammad Alam

..Petitioner

Versus

State of Punjab

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Satish Chaudhary, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.68 dated 30.10.2020 registered under Sections 21(1) & 4(1) of the Mines and Minerals (Regulation of Development) Act, 1957 at Police Station Mukandpur, District Shaheed Bhagat Singh Nagar.

Learned counsel for the petitioner contends that in terms of order dated 17.02.2021 passed by a Coordinate Bench of this Court, the petitioner has joined the investigation. The said order is as under:-

“The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-4299-2021

Photographs (Annexure P-1) are taken on record, subject to all just exceptions.

CRM stands disposed of.

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Learned counsel for the petitioner submits that in the FIR, no specific role has been attributed to the petitioner with regard to any kind of mining material. Moreover, the recovery of material as well as the vehicle in question has already been effected in the case.

Notice of motion for 21.05.2021.

In the meantime, in the event of arrest of the petitioner, he shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Kirpal Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and not required for further interrogation.

In view of the above, the order dated 17.02.2021 passed by a Coordinate Bench of this Court granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

September 09, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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