

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

212

CRM-M-6961-2021

Date of Decision: 05.12.2022

Bikramjit Singh @ Bikker

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Balbir Singh Jaswal, Advocate,
for the petitioner.

Ms. Swati Batra, DAG, Punjab,
assisted by ASI Gurmeet Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.308, dated 02.10.2020, registered under Section 379 IPC and under Section 21 of Mines and Minerals Act, 1957 at Police Station Beas, Amritsar Rural.
2. At the time of issuance of notice of motion on 15.02.2021, this Court passed the following order:

“The case is taken up through video conferencing on account of COVID 2019.

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 308, dated 2.10.2020, registered under Section 379 IPC and under Section 21 of Mines and Minerals Act, 1957 at Police Station Beas, Amritsar Rural.

A secret information was received that petitioner was mining the sand from river near village Kot Mehtab for selling the same in village. On receiving information, a raid was conducted at the disclosed place and petitioner was seen loading sand in his tractor

trolley. However, he fled away from spot leaving tractor and trolley behind.

Learned counsel for petitioner states that allegations against petitioner are false. Infact, he is handicap person and not in a position to drive tractor. In any way, he asserts that as per allegations in FIR, petitioner fled away from spot leaving tractor and trolley behind. No recovery is to be effected from petitioner.

Notice of motion.

Mr. R.S. Khaira, AAG Punjab accepts notice on behalf of respondent State.

Adjourned to 17.5.2021.

In the meanwhile, in the event of arrest of petitioner, he shall be released on interim anticipatory bail to the satisfaction of Arresting Officer/Investigating Officer. He will join investigation as and when called for and cooperate in same. He will abide by conditions of Section 438 (2) Cr.P.C.

Learned counsel for petitioner may also produce medical evidence to indicate that petitioner is indeed handicap person as claimed and not in a position to drive tractor.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has joined investigation and has also got the tractor recovered and that he is not required for any custodial interrogation. It has, however, been informed that the petitioner happens to be involved in 2 other identical cases i.e. FIR No.68 dated 18.05.2018 registered at Police Station Beas under Sections 307/379/353/186/225/506/279/148 & 149 IPC and Section 21(1) of the Mines and Minerals Act as well as FIR No.387 dated 15.12.2020 registered at Police Station Beas, Amritsar (Rural) under Section 379 IPC and Section 21(1) of the Mines and Minerals Act.

4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 15.02.2021 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.
5. It is, however, clarified that in case the petitioner indulges in any other similar offence again, it shall be open to the State to move an application for cancellation of bail before the trial Court itself.

05.12.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**