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

CRM-M-25542-2022 (O&M)

Date of decision : 02.06.2022

Sunil Kumar @ Sunil Dang

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. R.D. Gupta, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 438 of Cr.P.C. for the concession of pre-arrest bail in Criminal Complaint case bearing No.COMA-63-2021 (Annexure P-1) pending adjudication before the Judicial Magistrate Ist Class, Panchkula arising out of complaint under Rule 115 read with Section 21(4) of the Mines and Minerals (D&R) Act, 1957 (hereinafter to be referred as “the Act of 1957”).

Learned counsel for the petitioner has submitted that in the present case, complaint under Section 115 read with Section 21(4) of the Act of 1957 was filed against the present petitioner by levelling allegations that the present petitioner was owner of the vehicle which was allegedly involved in the incident. It is further submitted that the petitioner has

already got the said vehicle-JCB released on superdari from the trial Court and now the case before the trial Court is listed for 04.06.2022 and has submitted that the petitioner undertakes to appear before the trial Court on the said date of hearing i.e. on 04.06.2022 and thus, prays for protection. It is further submitted that the petitioner also undertakes to appear on each and every date before the trial Court unless his appearance is specifically exempted by the trial Court. It is further contended that the present case is a complaint case and thus, custody of the petitioner would not be required.

Notice of motion.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of anticipatory bail to the petitioner and has submitted that the petitioner was aware about the proceedings as he himself made an application for superdari but had chosen not to appear.

This Court has heard the learned counsel for the parties and has perused the paper book.

The present case is a complaint case, in which, the petitioner has been implicated on account of being the owner of the vehicle in question. The petitioner has already got the vehicle released on superdari from the trial Court. The case is now stated to be listed before the trial Court on 04.06.2022 and the petitioner has undertaken to appear on the next date of hearing i.e. on 04.06.2022 and also on each and every date before the trial Court unless his appearance is specifically exempted by the trial Court.

Keeping in view the abovesaid facts and circumstances, the

present petition is allowed subject to the petitioner appearing before the trial Court on 04.06.2022 and on his appearance before the trial Court, he be admitted on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court and also subject to the petitioner depositing an amount of Rs.7,000/- before the said date of hearing i.e. 04.06.2022 with respondent No.2 and also subject to the petitioner giving an undertaking to appear on each and every date before the trial Court unless his appearance is specifically exempted by the trial Court.

It is, however, clarified that in case, the abovesaid conditions are not complied with, then the present petition would be deemed to have been dismissed.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

02.06.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No