

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

204

**CRM-M-26608-2022
Decided on : 19.09.2022**

Sanjay

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. S.K. Panwar, Advocate
for the petitioner(s).

Mr. Ashish Yadav, Addl. AG, Haryana.

SANJAY VASHISTH, J. (Oral)

Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 188, 379 of IPC and Section 21(4) of Mines and Minerals (Regulation and Development) Act, 1957, in a case arising out of FIR No. 23, dated 12.01.2022, registered at Police Station Chandhuth, District Palwal, Haryana (Annexure P-1).

On 16th June, 2022, following order was passed by the coordinate Bench of this Court:-

“Counsel for the petitioner, inter alia, contends that two FIR Nos.17 and 23 of the same date were lodged against the petitioner on the similar set of allegations. In one FIR No.17, the mention was made of the mining by the petitioner by tractor-trolley, whereas in the present FIR No.23, the mining was allegedly being done by the petitioner by JCB machine. It is

submitted qua FIR No.17; benefit of anticipatory bail was granted to the petitioner by the learned Additional Sessions Judge, Palwal on 23.05.2022 (Annexure P-3) and was extended on 30.05.2022 (Annexure P-4). However, in present FIR No.23, the anticipatory bail application has been dismissed by the Court below.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of respondent-State and prays for time to have instruction.

On his request, adjourned to 19.09.2022.

In the meantime, it is directed that the petitioner shall join investigation and in the event of his arrest, he shall be released on ad interim bail by the Investigating Officer. The petitioner shall join investigation as and when required and shall comply with the conditions laid down under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in compliance of the order dated 16.06.2022, passed by the coordinate Bench of this Court, the petitioner has joined the investigation.

Learned counsel for the State on instructions from HC Surender Singh, corroborates the said averment and submits that the custodial interrogation of the petitioner is not required for the purpose of investigation.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required, the present petition is allowed and the ad-interim order dated 16.06.2022 is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2), Cr.P.C.

Petition is disposed of.

(SANJAY VASHISTH)
JUDGE

September 19, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*