

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

CRM-M-29967-2021 (O&M)
Date of Decision:-17.10.2022

Gurmeet Singh @ Malkit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Luvinder Sofat, DAG, Punjab.

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.275, dated 16.9.2020, Police Station Lopoke, District Amritsar (Rural), under Section 379 of Indian Penal Code and Section 21 of Mines and Minerals (Development and Regulation) Act.
2. The case of the prosecution is that a secret information was received by mining officials to the effect that one Gurmeet Singh was excavating soil from his land. A raid was conducted and it was found that land had been dug upto 4 feet. A tipper (truck) was also found loaded with soil, which was parked there. It is further the case of prosecution that Gurjant Singh was driver of tipper.
3. While granting interim bail to the petitioner, the following order was passed on 12.8.2021:

“Learned counsel for the petitioner submits that the land in question belongs to him and that it is one Gurjant Singh, who was found to be excavating land and who was arrested at the spot.

The matter is adjourned to 3.12.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the 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.”

4. Learned State counsel, upon instructions from the Investigating Officer, has informed that pursuant to interim directions, the petitioner has since joined investigation and he is not required for any custodial interrogation.
5. 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 12.8.2021 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.

17.10.2022

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No