

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

**CRM-M-28266-2022
Date of decision: 06.07.2022**

Satnam Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Lupil Gupta, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.117 dated 18.06.2022, registered under Section 379 IPC and Section 21 of the Mines & Minerals Act, 1957 at Police Station Sadar Fazilka, District Fazilka.

Learned counsel for the petitioner submits that as per allegations in the FIR, a secret information as received that petitioner Satnam Singh, his son Kuldeep Singh, Surinder Kumar @ Shinda, owner of tractor bearing registration number PB-22-W-5310 and Salwinder Singh @ Bhoondi are indulged in illegal mining of sand. Thereafter, the FIR was registered on the basis of a *ruqa* sent to the police station and the raiding party apprehended the aforesaid tractor, which was driven by Salwinder Singh @ Bhoondi.

Learned counsel further submits that the petitioner has no role in the offence as he is neither the owner of the aforesaid tractor nor was apprehended at the spot and his name in fact surfaced later on in the disclosure of co-accused Salwinder Singh @ Bhoondi.

Learned counsel further submits that the petitioner is not involved in any other case under the Mines & Minerals Act and, therefore, his custodial investigation is not required as the said tractor has already been impounded by the police.

Learned counsel further submits that even co-accused Salinder Singh @ Salwinder Singh @ Bhoondi has already been granted the concession of regular bail on 28.06.2022 by the Illaqua Magistrate.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and on instructions from HC Manjit Singh does not dispute the factual position, however, it is submitted that the petitioner is involved in another case under the provisions of IPC but it is not disputed that the petitioner is not involved in any other case under the Mines & Minerals Act.

In view of the above, the present petition is allowed and the petitioner is granted the concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

06.07.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No