

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

214

CRM-M-36761-2021

Date of Decision: 09.02.2022

Sonu Kataria

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. O.P.Kamboj, Advocate, for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab,
assisted by ASI Jatinder.

(proceedings conducted through video conferencing)

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.193, dated 11.09.2020, Police Station City Fazilka, District Fazilka, under Sections 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.
2. At the time of issuance of notice of motion 07.09.2021, the following order was passed:

“The petitioner seeks grant of anticipatory bail in a case registered vide FIR No. 193, dated 11.9.2020, Police Station City Fazilka, District Fazilka, under Sections 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, wherein it is alleged that the petitioner had stocked sand on his plot and which was being loaded in a trolley and when the complainant Mr. Narinder Pal who had been instructed by oral orders of Executive Engineer-cum-District Mining Officer, to conduct checking came there, the driver alongwith the tractor trolley fled away from the spot.

Learned counsel for the petitioner submits that he had got the sand legally having purchased the same from Joginder Singh of Chaurian Wali Tehsil Fazilka, District Fazilka, for the purpose of undertaking some construction at the spot and that there is nothing on record to suggest that the same was illegally mined.

Notice of motion for 25.1.2022.

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 Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation and that he is not wanted in any other case.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and otherwise, has a clean record, the petition is accepted and the interim directions issued by this Court vide order dated 07.09.2021 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.

09.02.2022

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**