

S.No.202

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

CRM-M-42385 of 2021 (O&M)

Date of Decision:13.01.2022

Nayab Singh

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Karanvir Singh Khehar, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J.

This is first petition filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case bearing FIR No.365 dated 15.09.2021 registered under Section 21(4) of Mining and Minerals (Regulation of Development) Act read with Section 379 IPC at Police Station Chandimandir (Annexure P-2).

On 30.11.2021, this Court was pleased to pass the following order:-

“CRM-40789-2021

Allowed as prayed for.

Annexures P-3 to P-5 are taken on record subject to just exceptions.

CRM-M-42385-2021

Learned counsel for the petitioner has submitted that in the present case, the truck in question was being used by M/s

Krishna Construction Company which had a contract with the government for mining of the gravel and that on 14.09.2021, there was valid transit pass in favour of the said company for dispatching boulder, gravel and sand to Kirti Screening Plant, Mubarikpur and although the driver of the vehicle, i.e. Pardeep had shown the said transit pass to the officials of the mining department who had stopped the vehicle, but the same was not considered. It was further submitted that in the present case, the petitioner, before the dismissal of bail by the Sessions Judge, Panchkula, had joined the investigation as he was granted interim bail prior to the dismissal. It was also submitted that the alleged recovery has already been made and there is no requirement of custodial interrogation of the petitioner.

Learned State counsel has submitted that the petitioner in the present case after dismissal of the anticipatory bail, has not joined the investigation as there was no interim order in favour of the petitioner.

Adjourned to 13.01.2022.

In the meantime, in the event of arrest, the petitioner is ordered to be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner and the State Counsel on instructions from SI Raj Kumar, submit that the petitioner has joined the investigation and is not further required for investigation.

Keeping in view the facts as noticed in the order dated 30.11.2021 and also the fact that the petitioner has joined the investigation and is not further required for investigation, the present petition is allowed and the interim order dated 30.11.2021 is made absolute.

However, nothing stated above shall be construed as a final 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 petition.

January 13, 2022

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Whether Speaking/reasoned

Whether Reportable

(VIKAS BAHL)

JUDGE

Yes/No

Yes/No