

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

CRM-M-38154-2022

Date of decision : 20.12.2022

Sunil Kumar

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :-Mr. Jitender S. Dadwal, Advocate
for the petitioner.

Mr. Arun Gupta, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

While issuing notice of motion, following order was passed:-

“Apprehending his arrest in FIR No.0086 dated 9th August, 2022, registered for offences punishable under Section 379 of the Indian Penal Code, 1860 and Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957, at Police Station Koom Kalan, District Ludhiana, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioner inter alia contends that there is no allegation w.r.t. transportation of the minerals. So far as the vehicles are concerned the petitioner is in business of interlocking tiles and the vehicles are being used by the petitioner for his business.

Issue notice of motion returnable for 20th December, 2022.

On asking of the Court, Mr. Gurdarshan S. Sidhu, Asstt. Advocate General, Punjab appears and accepts notice on behalf of the respondent-State. He prays for time to file reply.

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

2. Today, learned State counsel, on instructions from ASI Bhupinder Kumar, submits that the petitioner has joined investigation and is no more required for custodial interrogation.

3. Counsel representing the petitioner reiterates that there is no allegation w.r.t. transportation of minerals, thus the question as to whether offence punishable under Section 379 of IPC will be made out or not, will be a highly dateable.

4. In view of above, the interim order dated 26.08.2022 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. Petition stands disposed off.

(PANKAJ JAIN)
JUDGE

20.12.2022

Dinesh

Whether speaking/reasoned Yes

Whether Reportable : No