

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-46911-2022

Date of decision : 27.10.2022

Devi Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Munish Puri, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.62 dated 22.07.2022 registered under Section 21(1) of the Mines and Minerals DEVP Regulation Act 1957 and Section 379 IPC (Sections 420, 406, 465, 467, 468, 471, 120B IPC added later on) at Police Station Talwara, District Hoshiarpur.

On 12.10.2022, this Court was pleased to pass the following order:-

“Inter alia contends that it is not the case of the prosecution that either out of the 11 vehicles which have been confiscated at the spot, any belongs to the present petitioner or that the petitioner was driving the said vehicles. It is submitted that the petitioner has not been named in the FIR nor any role has been attributed to him and the petitioner himself acquired the mining lease with respect to the land in Himachal Pradesh and had decided to sub let, in favour of one Upasna, owner of M/s Shiv Shanker Stone Crusher and therefore, had given the form W dated 01.05.2022 which was valid on the said date when the form was

handed over to the said person. It is further submitted that co-accused had misused the said form for which the petitioner cannot be held liable moreso, he was neither present at the spot nor any of the vehicle which have been apprehended at the spot, belongs to him. It is stated that in order to show his bonafide and without admitting his liability, the petitioner is ready to deposit an amount of Rs.30,000/- with the Mining Department in the State of Punjab, within a period of 10 days from today.

Notice of motion for 27.10.2022.

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.

The petitioner is directed to deposit an amount of Rs.30,000/- with the Mining Department in the State of Punjab, within a period of 10 days from today and to produce the receipt regarding the same, on the next date of hearing.

It is made clear that in case the said amount is not deposited within the aforesaid period, then the interim order granted is liable to be vacated.

The deposit of said amount of Rs.30,000/- with the Mining Department in the State of Punjab, would be not construed as an admission of guilt by the petitioner.

(VIKAS BAHL)
JUDGE

October 12, 2022.”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation and has also deposited Rs.30,000/- with the Mining Department in the State of Punjab and has produced a copy of E-challan with respect to the same. The copy of the same is taken on record as Mark A.

Learned State counsel, on instructions from ASI OM Parkash, has submitted that the petitioner has joined investigation and is not required

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 12.10.2022, and also the fact that the petitioner has deposited Rs.30,000/- with the Mining Department in the State of Punjab and the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 12.10.2022 is made absolute.

Nothing stated above shall be construed as an 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.

(VIKAS BAHL)
JUDGE

October 27, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No