

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

CRM-M-52010-2021

Date of decision : 19.04.2022

Goldy Khan

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Dhruv Dayal, Sr.DAG., Punjab.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.52 dated 26.05.2020 under Sections 21 (1) and 4 (1) Mines and Minerals (Regulation of Development) Act, 1957 and Section 379 Indian Penal Code, 1860 registered at Police Station Rahon, District SBS Nagar, who apprehends his arrest at the hands of Police.

On 15.12.2021, this Court had passed the following order:-

“Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in this case; the petitioner has no other criminal case pending against him; there is an unexplained delay of 1½ years in nominating the petitioner as an accused in the FIR; the petitioner was not arrested at the spot; the petitioner is not named in the FIR; no recovery is made from the petitioner; the only evidence against the petitioner is the alleged disclosure statement of a co-accused made in police custody which has no evidentiary value and that the petitioner is also ready and willing to join investigation as and when called by the investigating agency.

Notice of motion.

*Mr.A.S.Gill, Sr.DAG, Punjab, accepts notice on behalf of the respondent and prays for time to argue the matter.
Adjourned to 19.04.2022.
Before the adjourned date, the State shall file a status report which shall contain the alleged disclosure statement on the basis of which the petitioner has been nominated as an accused.
In the meanwhile, the petitioner's arrested is stayed."*

Learned State counsel on instructions from ASI Ranjit Singh has stated that though only arrest of the petitioner was stayed, but petitioner associated himself during investigation and for the time being, his custodial interrogation is not required

Considering the above background and nature of offences, the petition is allowed and it is ordered that in the event of arrest of the petitioner by the Arresting Officer, he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall join investigation as and when called for by the Investigating Officer and would abide by the conditions enshrined under Section 438(2) Cr.P.C. The above order shall not be construed as an opinion on the merits of the case.

(MANOJ BAJAJ)
JUDGE

19.04.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No