

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

CRM-M-51736-2022 (O&M)

Date of decision: 06.12.2022

Gurwinder Singh @ Mangu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Shakinderpal Singh, Advocate for
Mr. S. S. Sarwara, Advocate
for the petitioner.

Mr. Shubham Kaushik, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 101 dated 17.08.2022, registered under Sections 379 and 447 of the IPC and Sections 4(1), 21(1) of the Mines and Minerals (Regulation of Development) Act, 1957, at Police Station Ghanaur, District Patiala.

The operative part of the order dated 15.11.2022, vide which the petitioner has been granted interim bail, is reproduced below:

“Counsel for the petitioner has submitted that as per the allegations in the FIR, it is alleged by complainant that he has purchased some land and when he visited the same, he found that the soil from his land has been stolen and later on, he came to know that the petitioner has committed the said offence. As per the bare reading of the FIR, it is apparent that the complainant has only raised a suspicion against the petitioner that he has removed the soil from the land.

Notice of motion.

Mr. Navneet Singh, DAG, Punjab who is present in

the Court accepts notice on behalf of the respondent – State and opposed the prayer for bail on the ground that the petitioner is involved in two more FIRs i.e. one registered under Section 4 of the Mines and Minerals Act and the other under Section 379 IPC.

In reply, counsel for the petitioner has submitted that the petitioner is already released on anticipatory bail in those FIRs as the same pertains to one Police Station and the allegations are of similar nature.

List again on 06.12.2022.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 15.11.2022, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from the Investigating Officer and on the basis of the affidavit of DSP, Circle Ganaur, filed today in Court, has not disputed the factual position and submits that though the petitioner has joined investigation, however, certain recoveries are yet to be effected.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 15.11.2022, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

06.12.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No