

CRM-M 4202 of 2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M 4202 of 2023

Date of Decision: 11.05.2023

Baljit Singh and Anr.

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. G.S. Saini, Advocate for the petitioner.

Ms. Himani Arora, AAG, Punjab.

GURBIR SINGH, J (ORAL)

The prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners in case bearing FIR No.0164, dated 13.10.2022, under Section 379 of IPC and Section 21 of Mines & Minerals (Development and Regulation) Act, 1957, registered at Police Station Zira, District Ferozepur.

On 17.02.2023, the following order was passed:-

'The prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners in case bearing FIR No.0164, dated 13.10.2022, under Section 379 of IPC and Section 21 of Mines & Minerals (Development and Regulation) Act, 1957, registered at Police Station Zira, District Ferozepur.

The instant FIR was registered on the basis of secret information received by the Mining Officer, who filed the complaint with the police for taking action. It was found that mining was conducted at the disclosed place.

Learned counsel for the petitioners has submitted that no recovery was effected. Neither petitioner No.1 nor his son, i.e., petitioner No.2 was found at the spot. Earlier also, one false FIR bearing No.0131 dated 26.08.2022, under Section 379 of IPC and Section 21 of Mines & Minerals (Development and Regulation) Act, 1957, registered at Police Station Zira, District Ferozepur was registered and in that case, they were granted interim bail by

this Court vide order dated 27.10.2022. They are ready to join the investigation.

In compliance of order dated 27.01.2023, status report dated 17.02.2023 by way of an affidavit of Palwinder Singh, PPS, Deputy Superintendent of Police, Zira, District Ferozepur on behalf of the respondent-State has been filed today in the Court and the same is taken on record. Copy thereof has been supplied to the counsel opposite.

Learned State counsel has submitted that as per the status report, no recovery is effected in this case and case was registered on the basis of secret information. He further submits that custodial interrogation of the petitioners is required.

Since no recovery has been effected from the petitioners, in the eventuality of arrest of the petitioners in the instant case, they shall be enlarged on interim bail subject to their furnishing personal bonds/surety bonds to the satisfaction of Investigating Officer/Arresting Officer. The petitioners shall join the investigation as and when called upon to do so by the Investigating Agency. The petitioners shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.

List on 11.05.2023.'

Learned State counsel, on instructions from HC Baldev Singh, 692, Ferozepur, states that in compliance of order dated 17.02.2023, the petitioners have already joined the investigation and they are not required for any custodial interrogation.

In view of the above, the order dated 17.02.2023 granting interim bail to the petitioners, is made absolute. The petitioners shall abide by all the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.

Petition is disposed of accordingly.

(GURBIR SINGH)
JUDGE

11.05.2023

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