

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.202

CRM-M-5613-2023

Date of decision : 27.04.2023

Dial Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr.Rakesh Kumar, Advocate, for the petitioner.

Mr.Arun Luthra, DAG, Punjab.

* * * * *

DEEPAK SIBAL, J. (Oral)

(1) Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.284 dated 09.09.2022 registered under Sections 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 379 IPC at Police Station Kotwali, District Kapurthala.

(2) On 16.02.2023 this Court had passed the following order: -

“Status report has been filed on behalf of the State in the Court today which is ordered to be taken on record.

Learned counsel for the petitioner *inter alia* contends that the FIR in question could have not been lodged at the instance of the police as the same could have only been instituted on a complaint filed by a Mining Officer; the petitioner has no other criminal antecedents; the petitioner has been falsely implicated in this case on account of political rivalry as he is Sarpanch of village Badshahpur; even otherwise the land in question is in village Boot over which the Panchayat of village Badshahpur has no jurisdiction; there is no evidence with the State to show that the petitioner has ever connived in the mining activity, if any, and that the petitioner is also ready and willing to join and cooperate with the investigation.

Notice of motion.

Mr. Arun Luthra, DAG, Punjab accepts notice on behalf of the respondent.

For arguments, adjourned to 27.04.2023.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of his arrest in FIR No. 284 dated 09.09.2022 registered under Section 21(1) of the Mines and Minerals (Development and Regulation) Act and Section 379 IPC at Police Station Kotwali, District Kapurthala, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

(3) Learned State counsel submits that in pursuance to the afore quoted order the petitioner has joined and cooperated with the investigation and that the State no longer requires the petitioner for investigation purposes.

(4) In the light of the submissions made on behalf of the petitioner as have been recorded in the afore quoted order as also the statement made on behalf of the State, subject to the petitioner’s abiding by the conditions prescribed under Section 438(2) Cr.P.C the order of this Court dated 16.02.2023, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

27.04.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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