

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201

CRM-M 6546 of 2023

Date of Decision: 17.05.2023

Bikkar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Naveen Batra, 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 petitioner in case bearing FIR No.142, dated 20.10.2022, under Section 21(1) and 4(1) of Mines & Mineral (Development & Regulation) Act, 1957 and Section 379 IPC, registered at Police Station Nurpur Bedi, District Rupnagar.

On 20.02.2023, the following order was passed:-

'CRM-8337-2023

The present application has been filed for placing on record 'Certificate of consent to operate' as Annexure P-3.

Allowed as prayed for.

Document is taken on record as Annexure P-3.

Main case

Learned counsel for the petitioner submits that Bharat Stone Crusher was given permission to mine in the area on 06.04.2022 and the period of registration was extended from 25.01.2022 to 24.01.2023 vide (Annexure P-3). The tipper is already taken into possession. Nothing is to be recovered from the petitioner and that he has been falsely implicated in the present case.

Notice of motion.

On the asking of the Court, Ms. Himani Arora, AAG, Punjab, accepts, notice on behalf of respondent-State. She submits, on instructions from HC, Ranjit Singh, that no

statement from any of the person from Bharat Stone Crusher is recorded whether said stone crusher has any connection with the tipper in question or not.

Adjourned to 17.05.2023.

Since recovery has already been effected from the petitioner, in the eventuality of arrest of the petitioner in the instant case, he shall be enlarged on interim bail subject to his furnishing personal bond/surety bond to the satisfaction of Investigating Officer/Arresting Officer. The petitioner shall join the investigation as and when called upon to do so by the Investigating Agency. The petitioner shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit '

Status report by way of affidavit of Ajay Singh, PPS, Deputy Superintendent of Police, Sri Anandpur Sahib, District Rupnagar, Punjab, on behalf of respondent-State, is filed in Court today. The same is taken on record.

Learned State counsel, on instructions from SI Harmesh Kumar, 201, Ropar, states that in compliance of order dated 20.02.2023, the petitioner has already joined the investigation and he is not required for any custodial interrogation.

In view of the above, the order dated 20.02.2023 granting interim bail to the petitioner, is made absolute. The petitioner 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.

17.05.2023

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**(GURBIR SINGH)
JUDGE**

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