

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

CRM-M No.12757 of 2023
Date of decision: 3rd May, 2023

Suresh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Manish Mehta, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case No.34 dated 27.02.2023 under Sections 379, 511 and 186 of the IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 registered at Police Station Nizampur, District Mohindergarh.

Vide order dated 15.03.2023, the petitioner had been granted concession of interim bail in the following terms:-

“Learned counsel for the petitioner inter alia contends that the FIR in question was registered against two unknown persons who were allegedly seen driving a tractor along with a compressor by the Mining Officer. Learned counsel while inviting the attention of this Court to the FIR annexed as Annexure P-1, submits that on seeing the Mining Officer the two persons who were on the tractor allegedly fled away and thereafter the tractor was found parked in front of the house of one Matadeen. Learned

counsel submits that it is not even the case of the prosecution that any sand or any other material was found on the tractor and it was only on the basis of mere suspicion the petitioner was nominated as an accused since the tractor was registered in his name.

On a pointed query put to the learned counsel qua the antecedents of the petitioner, he submits that the petitioner does not have a criminal past and he is not involved in any other case of similar nature.”

Learned counsel for the petitioner submits that in compliance of the order dated 15.03.2023, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions from LASI Kuki, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

In the circumstances, the petition is allowed and the interim order dated 15.03.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

May 3, 2023
rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No