

CRM-M No.14883 of 2023

#1#

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.14883 of 2023
Date of decision : 11.09.2023

Amarjit Singh
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Vansh Chawla, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1 The petitioner has prayed for grant of pre-arrest bail in FIR No.136 dated 19.11.2018 registered under Sections 379, 447, 506, 149 of IPC and Section 21 of Mines and Minerals (Regulation of Development) Act, 1957 (offences under Sections 353, 382, 182 IPC added later on), at Police Station Koom Kalan, District Ludhiana.

2 On 09.05.2023, the Co-ordinate Bench of this Court had passed the following order:

“1.Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.136 dated 19.11.2018 registered under Sections 379/447/506/149 IPC and Section 21 of Mines and Minerals (Regulation of Development) Act, 1957 (offences under Sections 353/382/182 IPC added later on) at Police Station Koom Kalan, District Ludhiana.
2. Reply by way of affidavit of Murad Jasvir Singh Gill, PPS, Assistant Commissioner of Police, Industrial Area-A, Ludhiana on behalf of the respondent-State has been filed and the same is taken on record.

3. *Learned counsel for the petitioner contends that the allegations against the petitioner and the co-accused are with regard to the illegal removal of boundary pillars/burjis and doing illegal mining in the land which was allegedly acquired by PSIEC, Ludhiana. It has also been alleged that the petitioner and the co-accused had obstructed the officials of PSIEC in discharge of their official duties. The similarly placed co-accused have been granted pre-arrest bail. It has been further submitted that the application for anticipatory bail of the petitioner was dismissed by the Court of Sessions as back as on 16.08.2019. However, the Sarpanch of the village had assured the petitioner and the co-accused that the matter is being resolved by the higher authorities and as such, he has not approached this Court at the earlier instance.*

4. *Status report does not indicate that any attempt was made by the Investigating Agency to effect the arrest of the petitioner after the dismissal of the application for anticipatory bail by the Court of Sessions.*

5. *Adjourned to 11.09.2023.*

6. *Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C. ”*

3 Learned State counsel, on instructions has stated that pursuant to order dated 09.05.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4 In view of the above, interim order dated 09.05.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5 This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that

involves commission of an offence.

CRM-M No.14883 of 2023

#3#

6 This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.

7 The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

8 It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

9 Petition stands disposed of.

10 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

11.09.2023
 jyoti3

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable : No