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

**CRM-M-18172-2023
DECIDED ON: 21.04.2023**

NARINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Neha Jain, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The instant petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No.148 dated 24.12.2022 under Section 379 of IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 registered at Police Station Haryana, District Hoshiarpur..

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case merely on a complaint made by Lakshman Dass who himself granted the permission for excavating the soil from the land on account of levelling the parking of Gurudwara situated at Chak Gujran, District Hoshiarpur.

The case of the petitioner is that infact he is one who made a complaint against Lakshman Dass and others on 02.11.2021 and 03.11.2021 against Lakshman Dass stating that they are illegally excavating the land

pertaining to the other Khasra numbers for which no permission has been taken and out of the khasra number which belongs to the petitioner.

On a query put by this Court, the learned counsel for the petitioner has clarified that earlier petition was dismissed as withdrawn on 07.02.2023 bearing CRM-M-7693-2023 but thereafter the challan has been filed and the investigation is complete.

Notice of motion.

On the asking of the Court, Mr. Mohit Thakur, AAG, Punjab accepts notice and has filed custody certificate dated 19.04.2023, which is taken on record. According to which, the petitioner has undergone 03 months and 08 days of actual custody. He submits that the petitioner was directly involved in excavating the land beyond the permitted limit of 03 feet and therefore the instant FIR was got registered on the complaint made by Inderjit daughter-in-law of Lakshman Dass who is co-sharer of the land which is measuring 2 Kanals 10 Marlas.

Looking into the totality and after going through the record, this Court could easily culminate the factual aspects to the effect that now the challan has been filed., custodial interrogation is not required nothing is to be recovered as such from the petitioner wherein the trial is likely to take long time. Apart from the fact that it is the petitioner, who made the complaint earlier to the authorities for excavating the land by Lakshman Dass on an earlier occasion beyond the permissible limit of land. Due to this he was carrying a grudge and the instant FIR has been lodged against him added with the fact that petitioner has undergone sufficient period of custody i.e. 03 months and 08 days, therefore, the petitioner is

directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is, therefore, allowed.

(SANDEEP MOUDGIL)
JUDGE

21.04.2023
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No