

2023:PHHC:083406

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

208

CRM-M-19905-2023 (O&M)
Date of decision: 04.07.2023

Jitender

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vikas Lochab, Advocate for the petitioner

Mr. Praveen Bhadu, AAG Haryana

AMAN CHAUDHARY. J.

1. On 21.04.2023, this Court had passed the following order:-

“Present petition has been filed under Section 438 of Cr.P.C., praying for grant of anticipatory bail to the petitioner in case bearing FIR No. 31 dated 24.01.2023 registered under Sections 379 of the Indian Penal Code and Section 21(1) of Mines and Minerals (Regulation of Development Act, 1957) at Police Station Sadar Narnaul.

Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case and the only allegation against the petitioner is that he along with three other persons were involved in illegal mining. Learned counsel contends that neither the petitioner was present at the spot nor the tractor-trolley involved in the illegal mining, was recovered from him. Learned counsel further contends that aforesaid tractor, also does not belong to the petitioner and the said tractor has already been recovered. Learned counsel further submits that nothing is to be recovered from the petitioner and he is ready to join the investigation.

Notice of motion.

Mr. Bhupender Singh, DAG Haryana, who is present in the Court, accepts notice on the asking of the Court and seeks time to file reply/status report.

Adjourned to 04.07.2023.

Meanwhile, in the event of arrest, the petitioner is ordered to be released on interim bail on his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and

shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.
3. Status report by way of an affidavit of Prabina P, IPS, Assistant Superintendent of Police, Mahendergarh has been filed by learned State counsel. The same is taken on record. He on instructions from SI Babu Lal affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.
4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 21.04.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C
5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

July 04, 2023
M.Kamra

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