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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****201**

CRM-M-24764-2023

Date of decision: 23.08.2023

Bhupinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ranbir Singh Sekhon, Advocate, for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.

1. On 29.05.2023, this Court had passed the following order:-

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.42 dated 21.04.2023 under Section 379 of IPC and Section 21 of the Mines and Minerals (Development & Regulation) Act 1957, registered at police station Mallanwala, District Ferozepur.

Learned counsel for the petitioner submits that as per allegations petitioner was doing mining in the land which is owned and possessed by him. The provisions under Section 379 IPC has not been attracted. So complaint was required to be filed and no FIR could be registered.

Notice of motion.

At the asking of the Court, Ms. Himani Arora, AAG, Punjab, appears and accepts notice on behalf of respondent No.1-State. A copy of the paper book be supplied to her during the course of the day.

Adjourned to 23.08.2023.

In the meantime, petitioner is directed to appear before the SHO/Investigating Officer as and when called to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

(i) that the petitioner shall make himself available for

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interrogation before the investigation officer as and when required;

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him for disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave the country without prior permission of the Court concerned.

Status report, if any, be filed on or before the next date of hearing with advance copy to the counsel opposite.

2. Learned counsel for the petitioner submits that in pursuance of the aforesaid 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. Learned State counsel on instructions from ASI Darshan Singh 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 29.05.2023 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

23.08.2023

Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No