

205

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-26586-2023 (O&M)  
Date of decision: 16.11.2023

Rakesh Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Naveen Batra, Advocate  
for the petitioner.

Mr. Ramdeep Pratap Singh Mann, Sr. DAG, Punjab.

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**JASGURPREET SINGH PURI, J. (ORAL)**

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.49 dated 28.04.2023 under Sections 21(1) and 4(1) of Mines and Mineral (Development and Regulation) Act, 1957 Act, registered at Police Station Nangal, District Rupnagar.

2. Learned counsel for the petitioner submitted that the allegation in the present case against the petitioner is that he is running a Stone Crusher and when the inspection was done, he was not having a valid license or permission, as his registration was not renewed at that time i.e. on 23.04.2023 and consequently, present FIR was registered. He submitted that immediately

thereafter on 23.05.2023, the registration was renewed till 23.05.2024 and therefore, it is not a case where illegal mining was done by the petitioner. He also submitted that this Court, while issuing notice of motion on 25.05.2023, had also directed that no coercive steps shall be taken against the petitioner and thereafter, the Investigating Officer concerned has not even issued a notice nor called the petitioner for joining the investigation, despite the fact that interim order was granted by the Court. He submitted that the petitioner undertakes to join the investigation and fully cooperate in the investigation as and when required by the investigating agency.

3. Mr. Ramdeep Partap Singh, Sr. DAG, Punjab, while referring to the status report filed by way of affidavit of DSP, Nangal, District Rupnagar, submitted that so far as aforesaid factual position stated by the petitioner with regard to grant of renewal of licence from 23.05.2023 to 23.05.2024 is concerned, the same is correct in view of the para No.6 of the reply. He submitted that so far as the instruction sought from the State after the interim order was passed by this Court on 25.05.2023 are concerned, the petitioner was not called for joining the investigation.

4. After hearing the learned counsel for the parties, this Court is of the view that the petitioner was already granted interim protection by this Court, whereby it was directed that no coercive steps shall be taken against the petitioner and despite the same, the Investigating Officer did not even call the petitioner for joining in the investigation for which no reason has been assigned by learned State counsel. Even otherwise also perusal of para No.6 of the

affidavit filed by the State would show that registration of the petitioner has already been renewed, which is valid till 23.05.2024. Therefore, this Court is of the view that it is not a fit case, where custodial investigation of the petitioner is required.

5. In view of the above, the present petition is allowed. It is directed that in case, at any stage, the petitioner is required for joining the investigation, he shall join the investigation and shall fully cooperate with the investigating agency.

**[ JASGURPREET SINGH PURI ]**  
**JUDGE**

16.11.2023  
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No