

(215)

2023:PHHC:108786

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28467 of 2023

Date of Decision: August 22, 2023

Gurnek Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- None for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

On 01.06.2023, the following order was passed by this

Court:-

“Prayer in this petition is for grant of anticipatory bail in case FIR No.190, dated 28.10.2022, registered at Police Station Sadar Patti, District Tarn Taran, under Section 379 of IPC and Sections 21(1) and 4(1) of Mines & Mineral (Development & Regulation) Act, 1957.

As per allegations in the FIR, a secret information was received that one Rashpal Singh along with Gursewak Singh was indulging in illegal mining in their own land, whereas Gurnek Singh (petitioner) along with Darshan Lal and Gurlal Singh had established their joint tractor trolleys in the land where the illegal mining was being done. It was also alleged that Sukwinder Singh @ Sukha and Amandeep Singh @ Aman were doing the surveillance of the police.

It is submitted by learned counsel for the petitioner that he has been falsely implicated; that he along with Ravinder Singh had taken the trolley of sand from the sanctioned mine against receipt dated 27.10.2022, which was issued in favour of Ravinder Singh. His tractor became out of order due to which the trolley was parked which has been illegally detained by the IO. Learned counsel for the petitioner further contends that coaccused Rashpal Singh has already been granted the benefit of anticipatory bail by this Court on 24.04.2023 passed in CRM-M-10872-2023.

Notice of motion.

Mr. M.S. Nagra, Asstt. A.G., Punjab, accepts notice on behalf of the respondent-State. Copy of paper book be supplied to him during the course of day.

Adjourned to 22.08.2023 for filing status report.

In the meantime, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

It is informed by learned State Counsel, on instructions from ASI Surjit Singh, that in compliance of the order dated 01.06.2023, petitioner has since joined the investigation and he is no longer required for any investigation.

In view of the afore-said statement, order dated 01.06.2023 whereby interim anticipatory bail was granted to the petitioner in the FIR in question, is hereby made absolute. However, the petitioner shall continue to join the investigation as and when required by the Investigating Officer and make compliance of the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

August 22, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No