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

CRM-M-30616-2023 (O&M)

Date of decision : 07.08.2023

Kuldeep Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Tejinder Kataria, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.0015 dated 14.02.2023, under Section 379 of the Indian Penal Code, 1860 (for short, '*the IPC*') and Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 registered at Police Station Ghall Khurd, District Ferozepur.

2. It transpires that above FIR was registered on the basis of letter received from Mining Officer regarding illegal pit in the land of petitioner.

3. This Court, on 15.06.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends inter alia that petitioner is owner in possession of the land in question, but the official(s) of

Mining Department are unnecessarily harassing him for extraneous consideration.

*Notice of motion for **07.08.2023**.*

On asking of the Court, Ms. Monika Jalota, Senior Deputy Advocate General, Punjab, accepts notice on behalf of the respondent and seeks time to have instructions or file response in the matter.

Requisite copies of paper-book be supplied to learned State Counsel during the course of day.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 15.06.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. Above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.

07.08.2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No