

204

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

CRM-M-33267-2022(O&M)

Date of Decision: 09.02.2023

KULDEEP SINGH

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Rohit Sharma, Advocate for
Mr. Lupil Gupta, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C is for grant of concession of anticipatory bail to the petitioner in case FIR No.117 dated 18.06.2022 registered under Section 379 of IPC, 1860 and under Section 21 of the Mines and Minerals Act, 1957 at Police Station Sadar Fazilka (Annexure P-1).

On 01.08.2022, the following order was passed by the Co-ordinate Bench of this Court :-

“Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.117 dated 18.06.2022, registered at Police Station Fazilka, under Section 379 IPC and Section 21 of the Mines and Minerals Act, 1957.

Learned counsel for the petitioner contends that the petitioner has been indicted on the disclosure statement of co-accused, namely, Salinder Singh @ Salwinder Singh @ Bhoondi, who has since been granted the concession of regular bail by learned Judicial Magistrate Ist Class, Fazilka, that the petitioner was neither apprehended at the spot nor his tractor trolley was ever found at the place where illegal mining had been carried out.

Notice of motion for 04.11.2022.

Meanwhile, the petitioner is directed to join investigation and

if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) Cr.P.C.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from SI Devender Singh has not disputed the aforesaid fact of joining the investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 01.08.2022 passed by the Co-ordinate Bench of this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the directions made above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

The petition is accordingly disposed of.

09.02.2023

Amandeep

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes

Whether reportable:

Yes/No