

S. No.203

2023:PHHC:156382

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37603 of 2023
Date of Decision:07.12.2023

Jatinder Kumar @ Kala
Vs.
State of Haryana

.....Petitioner
.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sachin Bansal, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (Oral)

On 03.08.2023, following order was passed by this Court:-

“Prayer in this petition under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.124, dated 03.06.2023, registered at Police Station Panjokhara, District Ambala, under Section 379 of IPC and Section 21(1) and 21(4) of the Mines and Mineral (Regulation of Development) Act, 1957.

As per allegations, on 08.04.2023, illegal mining was being done by transporting sand from Tangri river in tractor trolley bearing registration No.HR-04G-6281. The owner of the said vehicle was served notice to deposit the necessary environmental compensation, as per the orders passed from time to time by the National Green Tribunal. The same was not deposited and so the FIR was lodged. The owner of the vehicle, namely, Ram Kumar was arrested. In his disclosure statement, he nominated the petitioner to be also involved in committing the theft of the sand in a tractor trolley.

It is contended by learned counsel that petitioner has been nominated on the disclosure statement of co-accused; that co-accused Ram Kumar, who is the father of the petitioner, has already

been allowed bail by learned Trial Court, vide order dated 07.07.2023. Copy of that order has been placed on record. Learned counsel further contends that petitioner is ready to join the investigation. Notice of motion.

Mr. Randhir Singh, Addl. A.G., Haryana accepts notice on behalf of the respondent-State. A copy of paper book be supplied to him during the course of day.

Adjourned to 31.10.2023 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.”

Today, status report along with the custody certificate has been filed.

On instructions from ASI Manjit Singh, it is informed by learned State Counsel that the petitioner has already joined the investigation in compliance of the order dated 03.08.2023. However, making the interim order absolute is opposed by learned State Counsel on the ground that he is involved as many as in 13 cases as referred in the status report. At the same time, learned State Counsel concedes that petitioner is not required for custodial interrogation in the present case.

In these circumstances, simply for the reason that the petitioner is also involved in other cases, cannot be a ground for rejection of making the interim order absolute, when petitioner has already joined the investigation.

In view of the above, order dated 03.08.2023 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.

December 07, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No