

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

211

CRM-M-39401-2023

Date of decision: 25.09.2023

Saudagar Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Arjun Veer Sharma, Advocate, for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. On 11.08.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of pre-arrest bail to the petitioner in case FIR No.72 dated 01.06.2023, registered under Section 21 of Mines and Minerals (Development and Regulation), Act 1957 and Section 379 of IPC, at Police Station Meharban, District Police Commissionerate Ludhiana.

Learned counsel contends that the petitioner has been falsely implicated in this case at the behest of the co-sharers, with whom civil proceedings are pending with regard to a land dispute. Nothing has been recovered from the spot, wherein alleged illegal mining was being carried out. The marks of tyres of vehicles were of the petitioner and co-sharers, which are parked in the said area. The petitioner was granted anticipatory bail by this Court vide order dated 19.08.2020, Annexure P-4 in a case involving similar allegations that was also registered at the behest of the co-sharers, against the petitioner, wherein Poclain machine belonging to the petitioner and one tractor along with trolley filled with sand belonging to one co-accused Resham Singh were found at the spot. This Court vide order dated 07.08.2023, Annexure P-5 has granted interim bail to the co-accused Rajinder Singh Birha. Besides these FIRs, the petitioner is involved in any other case. He is ready and willing to join the investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab. accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 18.08.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 25.09.2023. ”

2. Learned counsel submits that in pursuance of the aforementioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel on instructions affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for any custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 11.08.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

25.09.2023
Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No