

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.202

CRM-M-45985-2022

Date of decision: 09.01.2023

Harkamal Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: None for the petitioners.

Mr. Arun Luthra, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.149 dated 19.08.2022 registered under Section 21(1) of the Mine and Minerals (Regulations and Development) Act, 1957 at Police Station Garhshankar, District Hoshiarpur.

On 10.10.2022, this Court had passed the following order:-

“The learned counsel for the petitioners has submitted that on the face of it the allegations in the FIR are improbable as according to the FIR, when the petitioners saw the mining party, then they unloaded the truck and fled away and they were not apprehended. He submitted that it was only because of enmity in the village that the present FIR was lodged against the petitioners. He further submitted that the petitioners are not involved in any other case and have got clean antecedents.

Notice of motion.

Mr. Amit Rana, learned Senior Deputy Advocate General, Punjab accepts notice on behalf

of State of Punjab and prays for some time to file an affidavit.

Adjourned to 09.01.2023.

In the meantime, petitioners are directed to join the investigation as and when called by the Investigating Officer. In the event of their arrest, they shall be released on bail by the Arresting/Investigating Officer on their furnishing bail bonds/sureties to his satisfaction, subject to the conditions as provided under Section 438(2) Cr.P.C.”

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioners have joined the investigation; co-operated with the investigating agency and that their custodial interrogation is not required by the State.

After considering the submissions made on behalf of the petitioners as have been recorded in the afore-quoted order and the statement made on behalf of the State, the interim order of this Court dated 10.10.2022, granting ad interim anticipatory bail to the petitioners is ordered to be made absolute.

January 09, 2023
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No