

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

CRM-M-44547-2023 (O&M)

Date of decision : 09.10.2023

Satpal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab
for the respondent.

MAHABIR SINGH SINDHU, J.

Present 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.55 dated 22.07.2023, under Sections 186, 506, 34 of IPC and Section 21(1), 4(1) of Mines and Minerals Act, registered at Police Station Pojewal District Shaheed Bhagat Singh Nagar.

(2) Above FIR was registered on the basis of statement made by complainant (Mining Officer) with the allegations that on 22.07.2023 at about 6.30 am, a secret information was received regarding the illegal mining in Village Mahipur, District Nawanshahr. On reaching the spot he found that one tractor trolley bearing No.PB-43-B-8979 was filled with sand and on

asking, the driver of said tractor trolley did not disclose anything and ran away from spot after throwing the sand. After five minutes, two unknown persons came at the spot, who abused and threatened him and also caused hurdle in his duties. After inquiry, he came to know that name of one person is Davinder Kumar and name of the other person is Radhey Sham, driver of the tractor trolley is Satpal @ Mani (present petitioner).

(3) This Court vide order dated 06.09.2023, granted interim bail to petitioner and the same reads as under:-

“Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 09.10.2023.

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

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel, on instructions from ASI Purshottam Lal submits that petitioner has joined investigation and his custodial interrogation is not required.

(6) In view of above, interim order dated 06.09.2023 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) The 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.

09.10.2023

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**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No