

PAVITTAR SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY.

Present: Mr. Atul Goyal, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

SANJIV BERRY, J (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
48	18.04.2023	379 IPC and 21 of Mines and Minerals (Development and Regulation) Act 1957	Meharban, District Police Commissionerate, Ludhiana

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 06.09.2023 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.

3. Learned State counsel, on instructions from ASI Husan Lal, has intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor he is required for further investigation.
4. During the course of hearing on 06.09.2023, this Court has passed the following order:-

“By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
48	18.04.2023	379 IPC and 21 of Mines and Minerals (Development and Regulation) Act, 1957	Meharban, District Police Commissionerate, Ludhiana

2. *Learned counsel for the petitioner, inter alia, contends that the petitioner is innocent and has been falsely implicated in the case. He further submits that neither the petitioner is named in the FIR nor he has any role to play, but, has been implicated in the case only on the hearsay version of some unknown persons that the petitioner is indulging in illegal mining even though the land in question does not belong to the petitioner nor any of his vehicle etc. has been found present at the spot.*
3. *Notice of motion.*
4. *On the asking of the Court, Ms. Swati Batra, DAG, Punjab, who is present in Court accepts notice on behalf of the respondent/State and prays for time to file short reply.*
5. *Short reply to the petition be filed on or before the next date of hearing with an advance copy to the counsel opposite.*
6. *Adjourned to 09.10.2023.*
7. *In the meantime, petitioner is directed to join investigation within 07 days from today and co-operate in the same. 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.”*

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation

consequent to the order dated 06.09.2023 passed by this Court, interim bail granted vide order dated 06.09.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

09.11.2023

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(SANJIV BERRY)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>