

205 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48968-2022

DATE OF DECISION:-28.03.2023

Harmandeep Singh and another

...Petitioners.

Vs.

State of Punjab

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Randhir Singh, Advocate for
Mr. R.P. Dhir, Advocate,
for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

HARKESH MANUJA, J.

Prayer in the present petition is for grant of anticipatory bail to the petitioners, in case FIR No.113 dated 17.09.2022, under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, registered at Police Station Chabbewal, District Hoshiarpur.

On 18.11.2022, this Court passed the following order:-

“Status report by way of an affidavit of Deputy Superintendent of Police, Sub-Division Garhshankar, District Hoshiarpur has been filed on behalf of the respondent/State in Court today, which is taken on record. Learned counsel for the petitioners has submitted that he does not wish to press the present petition qua petitioner No.1 and he wishes to pursue the petition only qua petitioner No.2.

In view of the aforesaid position, the prayer of the learned counsel for the petitioners is accepted and the present petition qua petitioner No.1 is hereby dismissed as withdrawn.

So far as petitioner No.2 is concerned, it has been stated by learned counsel for the petitioner that the petitioner No.2 was only a servant of petitioner No.1 and he has been

nominated on the basis of the disclosure statement of the co-accused. He further submitted that similarly situated co-accused, namely, Gurvinder Singh, who is at parity with petitioner No.2 has been extended the benefit of anticipatory bail by the learned Additional Sessions Judge, Hoshiarpur on 06.10.2022 vide Annexure P-4.

In view of the aforesaid position, the petitioner No.2 is directed to join the investigation and on his doing so, the petitioner No.2 be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner No.2 shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Adjourned to 28.03.2023."

Learned State counsel, on instructions from ASI Rajesh Kumar, submits that in compliance of aforesaid order dated 18.11.2022, petitioners have joined the investigation and are no more required for further interrogation.

Having considered the aforesaid facts and circumstances of the case, the petition is allowed. Order dated 18.11.2022 passed by this Court is hereby made absolute.

28.03.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No