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211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45799-2023 (O&M)

Date of decision : 20.11.2023

Deepu @ Deep Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. F.S.Dhillon, Advocate, for
Mr. Gagneshwar Walia, for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab,
for the respondent.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973, has been filed for grant of pre-arrest bail to the petitioner in FIR No.0004 dated 01.02.2023, under Section 379 of the Indian Penal Code, 1860, and Section 4 of the Punjab Land Preservation Act, 1900 (Amendment) Act and Section 2 and 3A of the Forest (Conservation) Act, 1980, registered at Police Station Block Majri, District SAS Nagar.

2. Above FIR was registered on the basis of complaint made by one Bhupinder Singh, Block Officer, Forest Department, with the allegations that petitioner, along with co-accused, have done mining without any licence or permit.

3. A Co-ordinate Bench, on 14.09.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Notice of motion.

On advance service of copy of petition, learned State counsel appears and accepts notice on behalf of respondent-State of Punjab and seeks time to get instructions.

Adjourned to 20.11.2023.

In the meanwhile, petitioner shall join investigation, as and when required by the Investigating Agency and subject to his reporting to the Investigating Officer within two weeks from today, no coercive steps qua arrest of the petitioner shall be taken. In case his arrest is required to be caused, petitioner shall be released on bail by the Arresting Officer till the next date of hearing on his furnishing personal bonds to the satisfaction of Arresting Officer. Petitioner shall also abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.
5. Above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Pawan Kumar, and further stated that custodial interrogation of the petitioner is not required at this stage.
6. In view of above, interim order dated 14.09.2023 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.

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9. Disposed off accordingly.

20.11.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No