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213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48384-2023 (O&M)
Date of decision : 20.11.2023

Mahender Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Ms. Arunima Agashe, Advocate, for
Mr. Mohit Mittal, Advocate,
for the petitioner.

Mr. Ashok Singh Chaudhry, Addl. A.G., Haryana,
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.13 dated 25.08.2023, under Section 379 of the Indian Penal Code, 1860, and Sections 21(1) and 4(A) of the Mines and Minerals (Regulation and Development) Act, 1957, registered at Police Station Haryana State Enforcement Bureau (HSEB), Rewari, District Rewari.

2. Above FIR was registered on the basis of statement made by one Inspector Jai Bhagwan with the allegations that truck of petitioner bearing registration No.HR-355-6086 was involved in the illegal mining and transportation of minerals.

3. This Court, on 25.09.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends inter alia that in view of the interdict contained under Rule 104(i) of the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012, no FIR can be registered for the first violation.

Notice of motion.

Mr. Ashok K. Chaudhry, Addl.A.G., Haryana, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted on 20.11.2023.

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

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 SI Yashveer Singh, and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 25.09.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

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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.

20.11.2023

(MAHABIR SINGH SINDHU)

adhikari

JUDGE

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