

101

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM M - 48703-2023

Date of decision: 05.10.2023

*Beer Singh**.....Petitioner**Versus**State of Punjab**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**

Present: Mr. Ashish Soi, Advocate for the petitioner

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Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 102 dated 30.08.2023, registered under Section 379 of the Indian Penal Code and Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957, at Police Station Koom Kalan, Ludhiana (Annexure P-1).

It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the petitioner is alleged to be mining near the Satluj river bed. The police have also claimed to have recovered the Sonalika tractor trolley loaded with sand. Nothing is to be recovered from the petitioner. Otherwise, the petitioner is ready to join the investigation as and when called by the police. The petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Sandeep Singh, Additional Advocate General, Punjab

accepts notice on behalf of the respondent – State.

It is submitted by counsel for the State, being instructed by SI Bhupender Kumar that on receipt of secret information, the Police party conducted a raid at Village Boothgarh Jattan Pakki Phirni, and at that place, the petitioner was found indulging in the mining activities. However, on seeing the police party, the petitioner fled away from the spot but the tractor trolley loaded with sand, owned by the petitioner, has been duly recovered by the police. Therefore, the petitioner cannot say that he is not involved in the crime. The investigation is at the initial stage. The police require the custodial interrogation of the petitioner. The petitioner does not deserves to be protected against his arrest.

Since there is only allegation of illegal mining against the petitioner and the alleged illegal mining material, as well as, the vehicle involved in the crime already stand recovered and as such, the petitioner would not be required for any further recovery. Therefore, the petitioner deserves to be protected against his arrest at this stage.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall 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.

(Rajbir Sehrawat)
Judge

05.10.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No