

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52988-2023

Date of Decision: 19.12.2023

Karnail Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Amandeep Saini, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.P.C. with a prayer to grant anticipatory bail to him in case FIR No.102 dated 27.07.2023 under Sections 21(1), 4(1) of Mines and Minerals (Regulation of Development) Act 1957, registered at Police Station Nangal, District Rupnagar.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. In fact, the petitioner was the owner of the land; however, no mining activity was being carried out on the land owned by him. He further submits that he has given the land on lease to one Farroq son of Abu Hasan for parking of agricultural tools and vehicles and for stay of labour only and not for any other purpose. He further submits that no recovery is to be effected from the present petitioner. He next contends that the co-accused, namely, Aajamdeen has been granted the concession of anticipatory bail by this Court vide order of the even date.

3. Status report by way of an affidavit of Deputy Superintendent of

Police, Nangal, District Rupnagar has been filed on behalf of the respondent-State in Court today and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that there are serious allegations against him.

4. I have heard learned counsel for the parties and perused the record.

5. The petitioner, even though is stated to be owner of the land, but he had leased out the said land to one Farroq. Apart from that, from the facts of the case, it is apparent that the custodial interrogation of the petitioner may not be required at this stage.

6. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

(N.S.SHEKHAWAT)
JUDGE

19.12.2023
hemlata

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