

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53698-2023
Date of Decision:-21.12.2023

PURAN CHAND ... Petitioner(s)
Versus
STATE OF PUNJAB ... Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Shiv C. Bhola, Advocate for the petitioner.

Mr. Chaman Lal Pawar, Addl. A.G. Punjab.

MAHABIR SINGH SINDHU , J.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.124 dated 06.09.2023 registered under Sections 4(1) and 21(1) of the Mines and Minerals (Regulations of Development) Act, 1957 at Police Station, Nangal, District Rupnagar.
2. Allegations are that petitioner was excavating the sand along with mining material without any permit or license.
3. A Coordinate Bench, on 20.10.2023, granted interim bail to appellants 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 file reply.

Post it on 05.12.2023.

In the meanwhile, petition 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 Ranjit Singh and further stated that custodial interrogation of the petitioner is not required at this stage.
6. In view of above, interim order dated 20.10.2023 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.
9. Disposed off accordingly.
10. Pending application(s), if any, shall also stand disposed off.

21.12.2023
Gaurav Sorot

(MAHABIR SINGH SINDHU)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No