

CRM-M-57631-2022

2023:PHHC:065402

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203/1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57631-2022

Date of Decision: 08.05.2023

GURCHARAN SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sarju Puri, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

* * * *

VIVEK PURI, J. (ORAL)

1. On 09.12.2022, the Co-ordinate Bench of this Court had passed the following order:

“Apprehending his arrest in FIR No.83 dated 05.09.2022 registered under Sections 21(1) and 4(1) of Mines and Minerals (Regulation & Development) Act, 1957 (for short 'the Act') at Police Station Rahon, District SBS Nagar, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Learned counsel for the petitioner *inter alia* contends that even if the allegations levelled in the FIR are taken on their face value the same would not constitute offence punishable under Section 21(1) of the Act. Apart from that the petitioner has been booked merely for the reason that he owns JCB machine. He further refers to documents appended as Annexures P-1 & P-2, to contend that in fact the petitioner was engaged to level the road berm.

Notice of motion returnable for 08.05.2023.

On the asking of the Court, Mr. Arun Gupta, AAG, Punjab, appears and accepts notice on behalf of the respondent-State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation.

3. Learned State counsel, on instructions from ASI Hemraj, has not disputed the aforesaid factual aspect and further submitted that the custodial interrogation of the petitioner is not required.

4. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 09.12.2022 is made absolute.

08.05.2023

Janki

(VIVEK PURI)
JUDGE

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