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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M – 57878-2023
Date of decision: 17.11.2023*Kuljeet Singh*.....*Petitioner**Versus**State of Punjab*.....*Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Mitul Singh Rana, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

1) 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. 49 dated 24.06.2023, registered under Sections 21(1), 21(4) of the Mines and Minerals Act, 1957 and Sections 353, 186, 506, 427 of the Indian Penal Code, at Police Station Hajipur, District Hoshiarpur (Annexure P-1).

2) It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner has not committed any crime as alleged against him. Even as per the story of the prosecution, the petitioner is not the owner of any of the machinery; or any material, allegedly, taken by illegal mining. There is no other case against the petitioner. Even the Court below had granted concession of anticipatory bail to the petitioner, however, he could not join the investigation at that time, because one of his close relative had expired. The petitioner shall join the investigation as and when called for by the police. Hence, the petitioner

deserves to be protected against his arrest.

3) Notice of motion.

4) Mr. Sandeep Singh, Additional Advocate General, Punjab accepts notice on behalf of the respondent - State.

5) Counsel for the State being assisted by ASI Nirmal Singh has submitted that the petitioner is very much participant of the crime and he had snatched the mobile phone of the complainant when the complainant had stopped him and his co-accused at the barrier set up the authorities. However, it is not disputed that even the trial Court had granted concession of anticipatory bail to the petitioner though he could not join the investigation.

6) 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 bonds/surety 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

November 17, 2023

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