

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-566-2024

Date of Decision : 28.02.2024

RAMAN KUMAR SHARMA

.....Petitioner

VERSUS**STATE OF PUNJAB**

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. D.V.Sharma, Sr. Advocate with
Mr. Tushar Sharma, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. On 08.01.2024, the following order was passed by this

Court:-

“Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.70 dated 09.12.2023, under Sections 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 and under Section 379 of the IPC, registered at Police Station Narot Jaimal Singh, District Pathankot.

Learned senior counsel for the petitioner, submits that the instant FIR has been registered on a complaint made by Kanwarpal Singh, JE-cum-Mining Inspector. As per the complaint the complainant conducted a raid on Faith Stone Crusher, and found one poclain machine and one tipper (truck), involved in the offence of committing illegal mining, and on his complaint the FIR in question was registered, and one Mukesh, the driver of the tipper and one Jeewan, were arrested from the spot.

He further submits that the petitioner is the owner of the Faith Stone Crusher, who is having apprehension to be arrested in the instant matter, and has filed the instant petition for grant of pre-arrest bail. He further submits that, the petitioner is running a licensed stone crusher, and draws attention of this Court towards Annexure P-4, which is a registered certificate, valid upto 24.07.2024.

Learned senior counsel for the petitioner, further draws attention of this Court towards Annexure P-5, which is the consent to operate, and the expiry date of the same is on dated 30.09.2024, to

submit that the petitioner is involved in the business of stone crushing and not illegal mining.

He further submits that the contents of FIR would not at all attract the provisions of Section 21 of the the Mines and Minerals (Development and Regulation) Act, 1957, as alleged by the prosecution.

Notice of motion.

Mr. Mohit Chaudhary, AAG, Punjab, accepts notice on behalf of respondent-State and waives service.

Adjourned to 28.02.2024.

Meanwhile, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to 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.”

2. Learned State counsel, on instructions to him by ASI Naresh Kumar, submits that the petitioner has already joined the investigation in pursuance to the aforesaid order, and he has fully co-operated with the investigation process, and is no more required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is allowed, and order dated 08.01.2024 is, hereby, made absolute, on the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.

February 28, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No