

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1928-2024(O&M)

Date of Decision : 22.04.2024

DALSHER ALIAS MOHD DALSHER AND OTHERS

.....Petitioners

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Malkit Kaur, Advocate for
Mr. Mohammad Arshad, Advocate,
for the petitioners.

Mr. Yuvraj Shandilya, AAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. On 15.01.2024, 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.42 dated 27.1.2023 under Sections 188 and 379 IPC, (later added Section 15 of the Environment Protection Act, 1986 and under Section 21 (1) of the Mines and Mineral (Development and Regulation) Act, 1957), registered at Police Station Ferozepur Jhirka, District Nuh.

The instant FIR was lodged on a secret information that the petitioners alongwith other persons, who are having licence from the Rajasthan Government, are involved in the business of illegal mining in the State of Haryana.

Learned counsel for the petitioners submits that the petitioners are a licence holder from the State of Rajasthan and were conducting mining in the licenced area, which is admittedly the border area with the State of Haryana. Learned counsel for the petitioners further submits that no demarcation was conducted by the raiding party, to ascertain whether, the alleged place of mining falls within the territorial jurisdiction of the State of Haryana or the State of Rajasthan. He also submits that no person, or vehicle was found present at the time of conducting the raid, which could substantiate the allegations of illegal mining. Learned counsel for the petitioners submits that he will file an affidavit disclosing

therein, the list of other criminal cases in which the petitioners are involved and the status thereon, within seven days from today.

Notice of motion for 6.3.2024.

On the asking of the Court, Mr. Bhupender Singh, DAG, Haryana accepts notice on behalf of the State of Haryana.

In the meanwhile, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C.”

2. Learned State counsel, on instructions imparted to him by the police official, submits that the petitioners have already joined the investigation in pursuance to the aforesaid order, and they have fully co-operated with the investigation process, and are 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 15.01.2024 is, hereby, made absolute, on the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.

4. All pending application(s), if any, also stands disposed of.

April 22, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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