

219 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM M-2307-2024 (O&M)
Date of Decision: 06.02.2024

Jagar Singh Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Charitr Kadyaan, Advocate for
Mr. Naveen Batra, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab
assisted by HC Rakesh Kumar.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.124 dated 06.09.2023 registered under Sections 4(1) and 21(1) of the Mines & Mineral (Development & Regulation) Act, 1957 at Police Station, Nurpur Bedi, District Rupnagar.

2. Allegations are that petitioner along with co-accused excavated the sand along with mining material without any permit or license.

3. This Court vide order dated 16.01.2024, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that petitioner is 73-years-old.

Notice of motion.

On the asking of the Court, Mr. M.S. Tiwana, AAG Punjab accepts notice on behalf of respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 06.02.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit her to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he has joined investigation and his custodial interrogation is not required.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required, at this stage.

6. In view of above, interim order dated 16.01.2024 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. It is clarified that 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 criminal misc. application(s), if any, shall also stand disposed off.

06.02.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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