



CRM-M-3886-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(216)

CRM-M-3886-2024 (O&M)
Date of Decision: 07.08.2024

Prem Singla

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Arnav Ghai, Advocate, for the petitioner.

Mr. Brijesh Kumar, AAG, Punjab.

MAHABIR SINGH SINDHU , J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, '*the Cr.P.C.*') for grant of bail pending trial to the petitioner in FIR No.85 dated 28.06.2023, under Sections 21(1) and 4(1) of Mines and Minerals (Regulation of Development) Act, 1957, registered at Police Station Nangal, District Rupnagar.

[2]. Allegations are that petitioner is the owner of land, where illegal mining was being done during odd hours.

[3]. Contends that petitioner was granted interim bail by this Court on 20.02.2024 and he is regularly appearing before learned trial Court. Further contends that there is no apprehension that petitioner is likely to influence the prosecution witnesses or hamper the trial, in case his interim bail is made absolute. Also contends that trial is likely to take sufficient long time, hence further incarceration would not serve any purpose.

[4]. Learned State Counsel, on instructions, has fairly acknowledged the above factual position but opposed the prayer of petitioner.

[5]. Heard learned counsel for both sides and perused the paper book.



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[6]. It is not in dispute that petitioner was granted interim bail by this Court on 20.02.2024 and the order reads as under:-

“Contends that investigation is already over and report under Section 173 Cr.P.C. was presented on 22.01.2024, but charges are yet to be considered.

Learned State counsel seeks time to verify the above factual position.

Posted for 14.03.2024.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

[7] In terms of the aforesaid order, petitioner is regularly appearing before learned trial Court; there is no allegation that he is likely to misuse the concession or hamper the proceedings in case his interim bail is made absolute. As on today, out of total 22 prosecution witnesses, only 1 has been examined ; hence, trial is likely to take sufficient long time. Thus, sending the petitioner to custody at this stage would not serve any purpose.

[8] Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 20.02.2024, is made absolute. Petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

[9] Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

[10] The above observations may not be construed as an expression of opinion on the merits of the case.

[11] It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an



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appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

(MAHABIR SINGH SINDHU)
JUDGE

07.08.2024
anil

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