



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

CRM-M No.7879 of 2024
Date of decision: 9th July, 2024

Sadam & another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sunil Agnihotri, Advocate for the petitioners.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.253 dated 31.12.2023 under Sections 21 (1), 21 (4) of Mines and Minerals (Development and Regulation) Act, 1957, and Section 379 of the Indian Penal Code, 1860, registered at Police Station Dasuya, District Hoshiarpur.

2. On the last date of hearing, i.e. 01.04.2024, this Court had granted the concession of interim bail to the petitioners and asked them to join investigation in the light of following submissions made by learned counsel for the petitioners on 15.02.2024.

“Learned counsel for the petitioners, inter alia, contends that as per allegations levelled, the police party found a JCB machine along with one tractor trolley extracting sand from the spot; on seeing the police party, two persons fled away. Learned counsel submits that the FIR in question has been registered against an unknown



person and all this needs to be appreciated in the light of the petitioners having clean antecedents and never being involved in any other similar case.

On a pointed query put to the learned counsel for the petitioners as to whether the JCB and the tractor trolley allegedly found at the spot belonged to the petitioners, he has categorically replied in the negative.”

3. Learned counsel for the petitioners submits that in compliance of the order dated 01.04.2024, the petitioners have joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Suresh Kumar, does not dispute the factum of the petitioners having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioners are not required for further investigation much less for their custodial interrogation.

5. In the circumstances, the petition is allowed and the interim order dated 01.04.2024 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the bail granted to them.

(MANJARI NEHRU KAUL)
JUDGE

July 9, 2024
rps

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