

CRM-M-11764-2024
Date of Decision : 07-05-2024

.....Petitioner

Versus

.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Shivam Chaudhary, Advocate for
Mr. Dharamvir Dhindsa, Advocate
for the petitioner,

Mr. Ashok Kumar Sehrawat, DAG Haryana.
along with HC Kuldeep Kumar.

PANKAJ JAIN, J. (Oral)

1. The petitioner has prayed for grant of anticipatory bail in FIR No.62 dated 10.01.2024, registered for offences punishable under Sections 379 of the Indian Penal Code, 1860 and Section 21(1) & 21(4(A) of Mining Act, at Police Station HSENB Ambala, District Ambala.
2. On 06.03.2024, while issuing notice of motion the following order was passed:-

“Apprehending his arrest in FIR No.62 dated 10.01.2024, registered for offences punishable under Sections 379 of the Indian Penal Code, 1860 and Section 21(1) & 21(4(A) of Mining Act, at Police Station HSENB Ambala, District Ambala, the petitioner has

preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioner inter alia contends that the petitioner was not apprehended from the spot and has been nominated being owner of the truck. He further relies upon Annexures P-1 & P-2 to submit that it is not a case of illegal mining.

Issue notice of motion, returnable for 07.05.2024.

Mr. Gaurav Bansal, DAG, Haryana appears and accepts notice on behalf of the respondent/State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C..”

3. Today, learned State counsel, on instructions from HC Kuldeep Kumar has stated that pursuant to the order dated 06.03.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the interim order dated 06.03.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.

7. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

8. It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

9. Petition stands disposed off.

10. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

07-05-2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned Yes
Whether Reportable No