

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-15322-2024
Date of decision: 25.04.2024

MANOVER KHAN

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Yashvinder Singh, Advocate for
Mr. Brijender Kaushik, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. On the last date of hearing, i.e. 22.03.2024, the following order was
passed:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.236 dated 29.01.2024, under Section 379 of the IPC, and, Section 21(1), 21(4)(A) of the Mines and Minerals (Regulations of Development) Act, 1957, registered at P.S. Haryana State Enforcement Bureau, Ambala.

2. The learned counsel for the petitioner submits that the petitioner, who has clean past antecedents, has been falsely implicated in the present FIR, owing to him being the owner of the vehicle, which was alleged to be loaded with sand (minor mineral). In fact, the petitioner did not have any knowledge either about the conduct of his driver, who was deployed to drive the vehicle (supra), or, about carrying loading of sand (minor mineral) in the vehicle (supra). Lastly, he submits that since the vehicle (supra) has already

been confiscated by the investigating agency, and, since the issue “whether sand (minor mineral) was in fact loaded in the vehicle (supra) or not” is yet to be established by the prosecution, the petitioner deserves him being granted the relief (supra).

3. Notice of motion for 25.04.2024.

4. Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.

5. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Today, the learned State counsel on instructions imparted to him by HC Sandeep Kumar, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not 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 22.03.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

25.04.2024
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(KULDEEP TIWARI)
JUDGE

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