

2024:PHHC:089317



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

203

CRM-M No.16090 of 2024
Date of decision: 16.07.2024

Mohit Kumar ... Petitioner

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Raman Chawla, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail in case arising out of FIR No.389 dated 10.10.2023 registered under Sections 420 and 120-B of IPC (Sections 379, 467, 468 and 471 of IPC and 21 (4) (1) of Mines and Minerals (Development and Regulation) Act, 1957 were added later on) at Police Station Bilaspur, District Yamuna Nagar.

2. Vide order dated 03.04.2024 passed by a Coordinate Bench of this Court, the petitioner was released on interim bail and was directed to

2024:PHHC:089317



join investigation. Order dated 03.04.2024 reads as under:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 389 dated 10.10.2023, under Sections 420 and 120-B of Indian Penal Code (offences under Sections 379, 467, 468, 471 IPC and 21 (4) (1) of the Mines and Mineral Act, 1957 added later on), registered at Police Station Bilaspur, District Yamuna Nagar.

Learned counsel for the petitioner submits that the petitioner had already sold the screening plant from where the alleged mines and minerals have been extracted, in violation of law. The said screening plant has been sold to co-accused Deepak vide agreement to sell dated 18.07.2023 and more so, the co-accused Deepak has already been arrested and no recovery has to been effected from him.

Notice of motion.

Mr. Tanuj Sharma, AAG, Haryana accepts notice on behalf of respondent-State and prays for time to file status report.

*Adjourned to **16.07.2024**.*

*In the meanwhile, the petitioner is directed to join investigation on **16.04.2024** at **10:00 A.M.** before the Investigating Officer and cooperate with the Investigating Agency, even thereafter.*

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

2024:PHHC:089317



However, it is made clear that this order shall not be construed as parity qua to any other co-accused.”

3. Learned State counsel has submitted that the petitioner has joined the investigation and he is not required for custodial interrogation.
4. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 03.04.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

16.07.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No