



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-18546-2024

Date of decision: 12.08.2024

Jagdeep Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Om Pal Sharma, Advocate
for the petitioners.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of anticipatory bail in case FIR No.0296 dated 29.09.2021 under Sections 21 (1) and 4 (1) of Mines and Minerals (Development and Regulation) Act, 1957, registered at Police Station Dera Bassi, District S.A.S. Nagar.

2. On 18.04.2024, learned counsel for the petitioners had made the following submissions:-

“Learned counsel for the petitioners, inter alia, contends that the petitioners were not named in the FIR in question, which was registered on 29.09.2021 under Sections 21 (1) and 4 (1) of Mines and Minerals (Development and Regulation) Act, 1957. He has further submitted that even the poclain machine, which was found at the spot, did not belong to the petitioners as the poclain machine registered in the name of petitioners’ firm had a different number. In support, learned counsel has drawn the attention of this Court to Annexure P-1, which is tax invoice of the poclain machine registered in the name of petitioners’ firm.”



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3. Thereafter, on 07.05.2024, while noticing the following submissions made by the learned State counsel, this Court had granted the concession of interim bail to the petitioners and asked them to join investigation:-

“Learned State counsel has reiterated the allegations levelled against the petitioners in the FIR in question, however, the reply filed on behalf of the State is completely silent about the submissions made by learned counsel for the petitioners qua the Poclain machine which was recovered from the spot not being registered in the name of the petitioners, and the one which was registered in their name had a different registration number.”

4. Learned counsel for the petitioners submits that in compliance of order dated 07.05.2024, the petitioners have joined investigation and cooperated with the investigating agency.

5. Learned State counsel, on instructions from ASI Paul Chand, 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.

6. In view of the above, the petition is allowed and interim order dated 07.05.2024, is made absolute subject to the conditions laid down in Section 482(2) of the BNSS/438(2) of the Cr.P.C. Needless to add, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

12.08.2024

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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