



CRM-M-33488-2024

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(102)

CRM-M-33488-2024

Date of Decision : 09.12.2024

Kashmir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Harsh Vasu Gupta, Advocate and
Mr. V.P.S. Mitthewal, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Coordinate Bench of this Court, on dated 28.08.2024, had passed the hereinafter extracted order, upon the instant petition:-

“This petition has been filed under Section 438 of Cr.P.C for grant of anticipatory bail to the petitioner in FIR No. 181 dated 28.12.2022 under Section 21(1) and 4(1) of the Mines and Minerals (Regulation of Development) Act registered at Police Station Nurpur Bedi, District Rupnagar, Punjab.

Learned counsel for the petitioner inter-alia submits that the allegation against the petitioner is that he has engaged in illegal mining and extracted minerals from the land under his lease. He further submits that complaint is maintainable only but FIR cannot be registered.

As per the status report filed by the learned State counsel, it is mentioned that the land from where the mining is conducted is not owned by the State.

List on 09.12.2024.



In the meantime, the petitioner is directed to join the investigation as and when called by SHO/Investigating Officer and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required:

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer; (iii) that the petitioner shall not leave the country without prior permission of the Court concerned.”

2. Today, the learned State counsel on instructions imparted to by ASI Harmesh Kumar, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for further custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 28.08.2024, is hereby made absolute, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”



CRM-M-33488-2024

4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) 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.
5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

(KULDEEP TIWARI)
JUDGE

December 09, 2024
Manpreet

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