

2024:PHHC:049192

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

207

CRM-M-36045-2023
Date of Decision : April 10, 2024

PAWAN

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sushil Sheoran, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. On 27.7.2023, the following order was passed by a co-ordinate Bench of this Court:-

“This is a petition under Section 438 Cr.P.C, seeking the concession of anticipatory bail in case FIR No.18, dated 23.01.2023 under Sections 21(1), 4(1)(A) of Mines & Minerals (Regulation of Development) Act, 1957 and 379 of IPC, registered at Police Station Jui Kalan, District Bhiwani.

Learned counsel for the petitioner inter alia submits that petitioner has been falsely implicated. The petitioner was not even present at the spot and his implication is on disclosure statement of owner of the vehicles taken into possession, which statement was recorded after a few days i.e. before releasing the impounded vehicles to the registered owner, after levy of fine. It is further contended that the allegation of excess stock of gypsum in the mining premises of the petitioner is not conclusive, as in view of the explanation given by the petitioner to the department that the measurement initially made was wrong because underneath the allotted material, earth has been placed in order to avoid

seepage and the department had informed that re-measurement of the available material will be made.

It is further submitted that even if the material was in excess, the same is compoundable under the provisions of the Act (supra).

Notice of motion.

Mr. Gurbir Singh Dhillon, AAG, Haryana, accepts notice on behalf of the respondent-State.

Learned State counsel is not in a position to refute that petitioner has been implicated on the basis of the statement given by the owner of the vehicle that was taken into custody and being the proprietor of the firm, in whose premises excess mining stock was found.

List on 05.09.2023.

Status report be filed on or before the next date.

In the meanwhile, petitioner shall join investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to ad interim bail on his furnishing personal bonds and surety to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.”

2. Though the learned counsel for the petitioner has submitted that on re-inspection, as per the penalty order dated 4.9.2023, an amount of Rs.3,67,480/- has been deposited which was subsequently refuted by the learned State counsel on the ground that infact the penalty amount was quantified as Rs.33,54,760/- and the petitioner has deposited only Rs.3,67,480/-.

3. Today, the learned State counsel after having instructions from the official concerned submits that infact on 21.3.2023, the petitioner has deposited the total amount of Rs.33,54,760/-, as imposed upon him. He further 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.

4. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 27.7.2023 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.

April 10, 2024
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(KULDEEP TIWARI)
JUDGE

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