

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-38874-2023
Date of Decision:29.01.2024

KULDEEP SINGH

.....Petitioner

Vs.

STATE OF PUNJAB

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab
assisted by ASI Baljinder Singh.

DEEPAK GUPTA, J.(ORAL)

On 24.11.2023, following order was passed:

“On 14.09.2023, the following order was passed:-

This is a petition filed under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.151 dated 17.10.2022, under Sections 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 379 IPC, registered at Police Station Verowal, District Tarn Taran.

Learned counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in this case. Petitioner was not named in the FIR and has been nominated subsequently. It is submitted that the petitioner was granted interim bail vide order dated 12.12.2022 by the learned Additional District & Sessions Judge and pursuant thereto, he had also joined investigation and was enlarged on bail by the Arresting/Investigating Officer on 18.12.2022. However, due to some communication gap, the correct facts could not be brought to the notice of the said Court and accordingly, the bail application was dismissed on 21.12.2022.

Learned State counsel, on instructions from ASI Avtaar Singh, P.S. Verowal, District Tarn Taran, submits that pursuant to being granted interim anticipatory bail vide order dated 12.12.2022, petitioner in fact joined investigation and on being arrested, was released on bail. The said fact is also duly recorded in the challan presented against the registered owner of the vehicle, namely Raj Kumar. He seeks time to file status report.

List on 24.11.2023.

In the meanwhile, no coercive steps be taken against the petitioner till the next date.”

Today, on resumed hearing, status report by way of affidavit dated 22.11.2023 has been filed by learned State counsel in Court today. The same is taken on record. A copy thereof furnished to learned counsel for the petitioner.

Learned counsel for the petitioner submits that as per the status report, fresh notice has been issued to secure the presence of the petitioner for 07.12.2023. It is further submitted that the petitioner is ready to appear before the Court as well as join investigation.

List on 29.01.2024.

In the meanwhile, petitioner shall join the investigation and would associate as and when called. He is further directed to put in appearance before the trial Court on the date already fixed i.e. 07.12.2023. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bond and surety to the satisfaction of Arresting/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.”

Today learned State counsel, on instructions from ASI Baljinder Singh, submits that petitioner has since joined the investigation and is not

required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 24.11.2023 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

29.01.2024

(DEEPAK GUPTA)
JUDGE

pry

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No