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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision:- 18.09.2024

Jhanda Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Jitender Singh Dadwal, Advocate
for the petitioner.

Mr. Kewal Singh, Addl. A.G. Punjab.

* * * *

AMARJOT BHATTI, J.

Petitioner – Jhanda Singh has filed instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 0051 dated 24.06.2024 under Section 379 of Indian Penal Code, 1860 and under Section 21 of Mines and Minerals (Development and Regulation) Act, 1957, registered at Police Station Jodhan, District Ludhiana Rural.

2. As per the facts of case, Sub Divisional Officer-cum-Assistant, District Mining Officer, Phillaur, Sub Division Ludhiana filed written complaint to SHO of Police Station Jodhan, District Ludhiana Rural, giving information regarding illegal mining in the area of village Mansura. Spot was inspected with the help of GPS and it was found that soil was dug and there were marks of tyres of some vehicle. Soil was dug in 22,202 square yard and 3 feet in depth. With these allegations, present FIR was registered.

Name of present petitioner cropped up during the investigation of this case,



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since the land belonged to him.

3. Learned counsel for petitioner argued that he has already joined investigation. Allegations levelled against him are false. He will abide by terms of bail order. Therefore, his anticipatory bail petition may be allowed.

4. In the detailed status report filed today in Court, which is taken on record subject to all just exceptions, it is mentioned that Jhanda Singh had dug soil from his land at the spot. This fact is verified from the revenue agency. However, it is conceded that petitioner has joined the investigation.

5. I have considered the arguments and have gone through the record. As far now, no recovery is to be effected. Petitioner has joined the investigation and he is still ready to do so. No purpose would be served by sending him behind the bars. Therefore, without going on the merits of case, anticipatory bail petition filed by petitioner – Jhanda Singh is allowed. He be not arrested. In case of his arrest, he be released on bail to the satisfaction of Arresting/Investigating Officer concerned, subject to condition that petitioner will join investigation as and when required. He will not tamper with or interfere with investigation and will not leave country without prior permission as provided under Section 438(2) Cr.P.C.

6. Petition is accordingly accepted.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

18.09.2024

*lalit***(AMARJOT BHATTI)**
JUDGEWhether speaking/reasoned:
Whether reportable:Yes/No
Yes/No