

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-46261 of 2023
Date of Decision: January 31, 2024

Resham Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARPREET SINGH BRAR

Present : Mr. Kuldeep Singh Saini, Advocate
for the petitioner

Mr. Subhash Godara, Addl. A.G. Punjab

Harpreet Singh Brar, J. (Oral)

1. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 74 dated 10.08.2023 registered under Sections 4(1) of Mines and Minerals Act at Police Station Rupnagar, District Ropar.

2. On 15.09.2023, the following order was passed :-

“Learned counsel for the petitioner submitted that it is a case where the petitioner is stated to be the owner of JCB machine and the said JCB machine was allegedly driven by his driver which was recovered on the spot. He further submitted that the mere fact that the petitioner is the owner of the JCB machine would not mean that the custodial interrogation of the petitioner would be required. He also submitted that the petitioner is not involved in any other case.

Notice of motion.

Mr. Sarabjit Singh Cheema, DAG, Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 20.12.2023.

In the meantime, the petitioner is directed to join the investigation and to co-operate fully with the investigation process and on his doing so, the petitioner be released on interim bail, subject to his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

3. Learned State counsel, on instructions from ASI Kuldeep Singh, states that pursuant to order dated 15.09.2023, the petitioner has joined the investigation and is no more required for custodial interrogation.

4. In view of the statement of learned State counsel, order dated 15.09.2023 is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.

5. Petition stands disposed of.

6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

January 31, 2024

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No