

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

**CRM-M-44844-2024
Date of Decision : 06.11.2024**

MANISH KUMAR

.....Petitioner(s)

VERSUS

STATE OF HARYANA

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vivek Goyal, Advocate,
for the petitioner(s).

Mr. Rajesh Gaur, Addl.A.G., Haryana

KULDEEP TIWARI, J.(Oral)

1. On 10.09.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“1. Through this second petition instituted under Section 482 of the B.N.S.S., 2023, the petitioner seeks the concession of pre-arrest bail, in case FIR No.346 dated 09.08.2024, under Section 303 of the B.N.S., 2023, Section 21(1) of the Mines and Minerals (Regulation of Development) Act, 1957, and, Section 3 of the Prevention of Damage to Public Property Act, 1984, registered at P.S. Chandimandir, District Panchkula.

2. The learned counsel for the petitioner inter alia submits that, although the petitioner is involved in two more cases of alike nature, however, the case in hand is the outcome of a secret information regarding illegal mining. Except the secret information, the investigating agency is not seized of any other cogent inculpatory material/evidence, thus connecting the petitioner with the alleged crime.

3. Notice of motion for 23.10.2024.

4. Mr. Rajesh Gaur, Addl. A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.

5. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S., 2023. ”

2. On the last date of hearing, i.e. 23.10.2024, the State had filed a status report, dated 22.10.2024, wherein it has been stated that though the petitioner had joined investigation but he had not fully co-operated with the investigating officer, as he failed to get recovered Tipper/Truck and the JCB machine, which was allegedly used in the commission of the instant crime.

3. Confronted with the above submissions, learned counsel for the petitioner, submits that in fact the Tipper allegedly used in the instant crime was recovered by the prosecution agency, and for releasing the said Tipper on *sapurdari*, the petitioner has already filed an application before the learned trial court concerned.

4. So far as JCB machine is concerned, learned counsel for the petitioner submits that there is no mention in the FIR that which JCB machine was used by the petitioner, rather it is totally a vague allegation. The instant FIR was registered only on the basis of a secret information, therefore, no question arises, for the petitioner to arrange a JCB machine and make it recover for the investigating agency.

5. Be that as it may be, in view of the nature of the allegations, and the fact that the petitioner has joined investigation, and the Tipper alleged used in the crime has already been got recovered, the hereinabove extracted interim order dated 10.09.2024, 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.”
6. 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.
7. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.
8. All pending application(s), if any, also stand **disposed** of accordingly.

November 06, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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