2024:PHHC:016915

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-50873-2023
Date of decision: 07.02.2024

Harvinder Singh and another .....Petitioners

Versus

State of Punjab .....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Arjun Veer Sharma, Advocate
for the petitioners.

Mr. Arun Luthra, DAG, Punjab.

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MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.80 dated 03.09.2023 under Sections 21(1), 4(1) of the Mines and Minerals (Regulation of Development) Act, 1957 registered at Police Station Chamkaur Sahib, District Rupnagar.

2. Learned State counsel, on instructions, has not disputed the submissions made by counsel opposite qua the petitioners having joined investigation pursuant to the following order passed by this Court on 08.11.2023:-

> *"Learned counsel for the petitioners has reiterated that the tractor trolleys and the JCB machines, which were found at the place of occurrence, did not belong to the petitioners but had been parked there for the purpose of harvesting crops. It has also been submitted that the petitioners being falsely implicated in the case at hand, is evident from the fact that they have clean antecedents."*

3. However, learned State counsel submits that petitioner No.1-Harvinder Singh is a man of criminal antecedents which fact has

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been withheld from this Court.

4. Leaned counsel for the petitioners submits that he was unaware about the criminal antecedents of petitioner No.1-Harvinder Singh and hence, in view of the instructions received by the learned State counsel, he may be permitted to withdraw the instant petition qua petitioner No.1-Harvinder Singh.

5. The instant petition stands dismissed as withdrawn qua petitioner No.1-Harvinder Singh.

6. On a pointed query put to the learned State counsel as to whether petitioner No.2-Davinder Singh has any criminal antecedents, he on instructions, has replied in the negative. It has been further submitted by learned State counsel that petitioner No.2-Davinder Singh is not required for further investigation much less for his custodial interrogation.

7. In the facts and circumstances, interim order dated 08.11.2023 is made absolute qua petitioner No.2-Davinder Singh only, subject to the conditions laid down in Section 438(2) Cr.P.C.

8. The instant petition stands disposed of in the above terms.

07.02.2024 **(MANJARI NEHRU KAUL)**
Vinay **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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