

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

**CRM-M-53855-2023 (O&M)
Date of decision : 14.02.2024**

Surjeet Singh @ Surjeet

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Ms. Avneet, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.150 dated 05.10.2023, under Sections 4(1) & 21(1) of the Mines and Minerals (Regulations of Development) Act, 1957, registered at Police Station Nangal, District Rupnagar.

(2) Above FIR was registered on the basis of complaint made by Abhishek, Junior Engineer-cum-Mining Inspector with the allegations that petitioner, in connivance with other co-accused, has been doing illegal mining in the area of Swamipur Khadd and on seeing the officials of Mining

Department, they decamped from the place of occurrence while leaving the tractor-trailer, make Swaraj, bearing registration No.PB-12-Y-5601, which belongs to the petitioner.

(3) This Court, while issuing notice of motion on 20.10.2023, granted interim bail to petitioner and the same reads as under:-

“Contends, inter-alia, that petitioner was not named in the FIR; nor any other criminal case is pending against him.

Notice of motion for 07.12.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

(4) Learned State Counsel, on instructions from ASI Mehar, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(5) In view of above, interim order dated 20.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(6) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(7) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

- (8) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (9) Disposed off accordingly.
- (10) Pending application(s), if any, shall also stand disposed off.

14th February, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes