

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.57034 of 2023
Date of decision: 15th February, 2024

Ashok Kumar
... Petitioner

Versus

State of Haryana
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Monu Sharma, Advocate for
Mr. Rohit Mittal, Advocate for the petitioner.
Ms. Trishanjali Sharma, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.0016 dated 04.09.2023 under Section 379 IPC and Sections 21(1), 4 (A) of the Mines and Minerals Regulation of the Development Act, 1957 registered at Police Station HSENB, District Rewari.

2. On the last date of hearing, i.e. 14.11.2023, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“Learned counsel for the petitioner submits that as per the allegations levelled in the FIR (Annexure P-1), 7 M.T. of Bajri was seized from the tractor trolley of the petitioner. While drawing the attention of this Court to

Section 104 of the Mines and Mineral Rules, it has been submitted that since the petitioner is a first time offender, at best, only a fine could have been imposed upon him and still further no FIR could have been lodged against him as and only a complaint can be filed for offences under the Mines and Minerals Act.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 14.11.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. She, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In the circumstances, the petition is allowed and the interim order dated 14.11.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

February 15, 2024
rps

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