



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

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CRM-M-52634-2024 (O&M)

Date of Decision : 25.11.2024

ATISH THAKUR

.....Petitioner

VERSUS**STATE OF PUNJAB**

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Naresh Kumar Jandoli, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Short reply dated 24.11.2024 by way of affidavit of Dev Dutt Sharma, PPS, Deputy Superintendent of Police, Sub-Division City District Hoshiarpur has been filed today in Court, which is taken on record.
2. On 22.10.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., the petitioner seeks the concession of anticipatory bail, in case FIR No.156 dated 28.09.2023, under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, registered at P.S. Sadar Hoshiarpur, District Hoshiarpur.

2. The learned counsel for the petitioner inter alia submits that, since the owner of the vehicle, which is alleged to have been used for illegal mining, has already been granted the concession of anticipatory bail by a Coordinate Bench of this Court, through drawing an order on 13.02.2024, upon CRM-M-53957-2023, therefore, the petitioner, who is merely alleged to be the driver of the said vehicle, also deserves an alike relief.

3. Notice of motion for 25.11.2024.

4. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.



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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. ”

3. Today, the learned State counsel has, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner had joined investigation and he is no longer required for further custodial interrogation.

4. In view of the above, the hereinabove extracted interim order dated 22.10.2024, 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.”

5. 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.

6. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

November 25, 2024

Rimpal

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No