

2024:PHHC:011086

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207-2

CRM-M-59758-2023
Date of decision : 25.01.2024

Joginder Kaur Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Manmeet Singh, Advocate for
Mr. G.S. Madaan, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 29.11.2023, following
order was passed:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.18 dated 23.04.2022, under Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957, registered at Police Station Hajipur, District Hoshiarpur.

Learned counsel for the petitioner has argued that petitioner has been falsely implicated in the present case. It is further submitted that above captioned FIR has been registered on the basis of a news item. The petitioner is a sleeping partner of M/s Stone Linkers Crusher and no such illegal mining is carried out by the petitioner or his partners in the area of village Kulian Lubana, District Hoshiarpur, as has been alleged by the prosecution. It is submitted that M/s Stone Linkers

2024:PHHC:011086

Crusher has 06 partners, 04 working and 02 sleeping. The working partners have already been granted the concession of anticipatory bail by this Court. Learned counsel further submits that it has been noticed in the aforesaid bail order that no machinery, JCB or any other equipment was recovered from the place of alleged mining except for signs of fresh excavation. It is further submitted that petitioner is ready to join investigation and cooperate with the investigating agency.

Notice of motion.

Mr. Sanish Girdhar, AAG, Punjab, accepts notice on behalf of the respondent-State and waives service. He prays for time to file reply/status report.

List on 25.01.2024.

In the meanwhile, petitioner shall join the investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bond and surety to the satisfaction of Arresting/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C”

2. Today, learned State counsel, on instructions from ASI Harjeet Singh, has stated that pursuant to the order dated 29.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 29.11.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

2024:PHHC:011086

4. This order should not be treated as "blanket" order. It will not be read granting petitioner 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.
5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.
6. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
7. It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
9. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

25.01.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No