

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-60255-2023
Date of decision: 25.01.2024

MANOJ @ MANOJ KUMAR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Mayank Yadav, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

On the last date of hearing i.e on 01.12.2023, the following order was
passed:-

"CRM-50337-2023

*1. As prayed for, the instant application is allowed and the learned
counsel for the petitioner is granted leave to file the present case, without
Number of Roll of Advocate.*

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*2. Through the instant petition, as instituted under Section 438 of
the Cr.P.C., the petitioner has sought the concession of anticipatory bail,
in case FIR No.180 dated 18.11.2023, under Sections 279, 336, 379, 120-
B, 34 of the Indian Penal Code, 1860 (hereinafter referred to as the
'IPC'), and, Section 21(1) of The Mines and Minerals (Development and
Regulation) Act, 1957 (hereinafter referred to as the 'Mines and Minerals
Act'), registered at P.S. Nizampur, District Mahendergarh.*

*3. The learned counsel for the petitioner, in his asking for the relief
(supra), submits that the petitioner has been falsely entangled in the
instant FIR, as neither any specific allegation has been leveled against the
petitioner, nor he was present at the spot at the relevant time, when the*

alleged raid was conducted by the police officials concerned. He has further raised objection with regard to Section 21 of the Mines and Minerals Act being invoked against the petitioner. Furthermore, citing the alleged recovery, as effected from the co-accused at the spot, he submits that now there is nothing to be recovered from the petitioner.

4. Notice of motion for 25.01.2024.

5. Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.

6. 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 438(2) Cr.P.C."

Learned counsel for the petitioner submits that in pursuance of the order dated 01.12.2023, the petitioner has joined the investigation.

Learned State counsel, on instructions from H.C Rajender, submits that the petitioner had joined the investigation and he is not required for any further custodial interrogation.

In view of the statement made by learned State counsel, the interim order dated 01.12.2023, is hereby made absolute.

25.01.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No