

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-65534-2023 (O&M)
Date of Decision:-19.9.2024

Gurdev Singh... Petitioner

Versus

State of Punjab... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S. Randhawa, Advocate for the petitioner.
Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
88	13.12.2023	Talwara, District Hoshiarpur	21 (1) and 21 (4) of Mines & Minerals Act, 1957

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of anticipatory bail in respect of aforementioned FIR.
2. Mr. R.S. Randhawa, Advocate has put in appearance on behalf of the petitioner and has informed that the learned counsel, who was representing the petitioner earlier, has been appointed in the office of Advocate General, Punjab and that he has now been appointed by the petitioner to represent the case. Mr. R.S. Randhawa, Advocate has filed Power of Attorney, whrein NOC has been duly recorded by the previous counsel, which is taken on record.
3. At the time of issuance of notice of motion, the following order was passed by a Coordinate Bench of this Court on 1.1.2024:



“Apprehending his arrest in FIR No. 88 dated 13.12.2023 registered for offences punishable under Sections 21(1), 21(4) of Mines & Minerals Act, 1957 at Police Station Talwara District Hoshiarpur; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking prearrest bail.

Inter alia contends that case of the petitioner is squarely covered by the dicta of the Hon’ble Supreme Court in case of ***Md. Asfak Alam vs. The State of Jharkhand & Anr., 2023 AIR (Supreme Court) 3610***. The petitioner is willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Mr. Kirat Singh Sidhu, DAG Punjab appears and accepts notice on behalf of the respondent-State.

Adjourned to 08.02.2024.

The petitioner is directed to appear before the Investigating Officer on 05.01.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

4. Learned State counsel, upon instructions from the Investigating Officer, has informed that pursuant to interim directions, the petitioner has since joined investigation and he is not required for any custodial interrogation.
5. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the instant petition is accepted and the interim directions issued by this Court vide order dated 1.1.2024 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so



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and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

19.9.2024

Geeta

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No