

**IN THE COURT OF ATUL KASANA,
ADDITIONAL SESSIONS JUDGE,
MOGA (UID No.PB0085).**

B.A CIS No.1854 of 2021
CNR no.PBMO10046802021
Date of Order: 8.9.2021

State

Versus

Maura Singh son of Mohinder Singh son of Pala Singh resident of
village Waris Wala Jatta, P.S. Makhu, Tehsil Zira District Moga.

....Accused/applicant

FIR No.62 dated 26.8.2021
Under Sections 379 IPC and
21 Mines and Minerals Act
Police Station :Fatehgarh Panjtoor

Bail application under section 439 Cr.P.C.

Present; Shri Kuldeep Singh Gill Advocate for applicant-accused.
Shri Sahib Singh Addl.PP for the State.

ORDER

1. This order of mine shall dispose of bail application under Section 439 Cr.PC filed by the applicant/accused named above in case FIR No.62 dated 26.8.2021 under Section 379 IPC and 21 Mines & Minerals Act, P.S. Fatehgarh Panjtoor.
2. Notice of the bail application was issued to the State and trial court record was requisitioned.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and that he has not committed any such offence as alleged in the FIR. He further submits that recovery has already been effected in this case and that he is in custody since 26.08.2021 and that no purpose would be served by detaining him behind the bars any further. On these submissions, he has prayed for grant of bail.

Atul Kasana,
ASJ/Moga

4. The above submissions have been opposed by Ld.Addl. PP for the State while submitting that accused is a habitual of mining illegal sand. It was submitted that accused would misuse the concession of bail, if so released and on these submissions, he has prayed for dismissal of the bail application.

5. I have considered the submissions of Ld counsel for the applicant as well as Ld. Addl.PP for the State and have perused the record.

6. In the present case, FIR was got registered at the instance of ASI Dilbag Singh. It is in accusation that on 26.8.2021, complainant along with other police officials was present near Guru Ram Dass Hospital, Fatehgarh Panjtoor in connection with patrolling and checking of suspicious person where secrete informer gave secret information that Maura Singh present applicant-accused was indulged in illegal mining of sand from the bed of River with the help of tractor make Swaraj 735 without number and if a naka is laid, he can be apprehended red handed. Believing the information reliable, the Investigating Officer sent the ruqa. Thus the FIR.

6. The allegations against the accused/applicant are that he was found indulged in illegal mining of sand with tractor trolley. Accused is in custody since 26.8.2021 and the recovery already stands effected. Nothing is to be recovered from him. It is yet debatable, if infact the accused had committed any theft of sand. Accused has been behind the bars for more than 15 days. The criminal liability of the accused, if any, shall be determined during course of trial. The presentation of challan and conclusion of trial shall take considerable time. No purpose would be served by detaining him any further behind the bars. Hence, it is a fit case for grant of regular bail to the applicant/accused. Accordingly, the bail application is allowed and applicant/accused is admitted to bail on furnishing requisite bail bonds/surety bonds to the satisfaction of concerned learned Illaqa/Duty Magistrate subject to the following condition(s):

Atul Kasana,
ASJ/Moga

1. That he shall appear in the Court on each and every date of hearing.
2. That he shall not tamper with the prosecution evidence.
3. That he shall not leave the country without prior permission of the Court.

8. Copy of this order be sent to the concerned Court.
Record be returned while file of this court be consigned to the record room.

Date of order:8.9.2021
(Sushil Bajaj, Stenographer G-II)

(Atul Kasana),
Addl. Sessions Judge,
Moga. (UID No.PB-00085)

Atul Kasana,
ASJ/Moga