

PBTT010061522023



Presented on : 05-10-2023
Registered on : 06-10-2023
Decided on : 09-10-2023
Duration : 0 years, 0 months, 4 days

IN THE COURT OF PRASHANT VERMA
ADDITIONAL SESSIONS JUDGE, TARN TARAN
(UID No. PB0236)

Case Type	BA
Filing Number	5359/2023
Registration number	3007/06.10.2023
CNR Number	PB-TT-01-006152-2023
Date of Decision	09.10.2023

Sher Singh, son of Mahinder Singh, resident of village Jauneke, PS Chohla Sahib, Tehsil and Distt. Tarn Taran.

.....Accused/applicant

Versus

State of Punjab.

(First Bail application under Section 439 Cr.P.C.)

-O-O-

FIR No. 19 dated 18.03.2020
Under Sections 379 IPC and 21 (1) Mines and Minerals
(Development and Regulation), Act
Police Station Harike

-O-O-

Present : Shri AS Gill, Advocate, learned counsel for the
applicant/accused.
Shri Ravinder Singh Chandi, learned Additional Public Prosecutor
for the State.

ORDER

1. This order shall decide the application for bail under Section 439 of Code of Criminal Procedure (hereinafter referred to as Cr.P.C) filed on behalf of the applicant/accused, in the afore referred FIR.
2. Notice of the application was issued to the State and pending record was also perused. Ahlmad had reported that according to the information available in the CIS system, no other bail application relating to this case is pending in any Superior Court.

ABSTRACT OF FIR/PROSECUTION STORY:

3. The present FIR was registered on the secret tip off received by ASI Palwinder Singh that accused Sher Singh was excavating sand illegally from the area in the proximity of the banks of Harike river illegally and was getting the same loaded on Peter Rerha (improvised carrier). Ruqa was accordingly dispatched and accused was arrested. From his possession Peter Rerha (improvised carrier) laden with sand was recovered.

ARGUMENTS RAISED BY LEARNED COUNSEL FOR APPLICANT/ACCUSED:

4. Contention of learned counsel for the applicant/accused is that the applicant/accused is innocent and has been falsely implicated in this case.

ARGUMENTS OF LEARNED ADDL. PUBLIC PROSECUTOR

5. Contention of learned Additional Public Prosecutor is that allegations against the accused are serious in nature. Therefore, applicant/accused is not

entitled for grant of regular bail and prayed for dismissal of the bail application.

GUIDING PARAMETERS

Prahlad Singh Bhati v. N.C.T., Delhi, (SC) : Law Finder Doc Id # 11452, 2001(5) BCR 727 : 2001(2) R.C.R.(Criminal) 377; *State through C.B.I. v. Amaramani Tripathi*, (SC) : Law Finder Doc Id # 85804, 2005(34) AIC 1 : 2005(4) R.C.R.(Criminal) 280;

(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail

DISCUSSION:

6. Challan had been already filed on the culmination of investigation. The accused was arrested on 18.03.2020. Thereafter he was released on interim bail owing to wide spread Corona Virus pandemic. Subsequently he was rearrested as is patent from the order dated 06.09.2023. Recovery had been already effected. Presently the accused is in custody and the culpability of the accused/applicant would be established on the culmination of the trial . Conclusion of trial will take its own time. His detention in judicial lock-up for more period shall be a burden on State exchequer.

CONCLUSION:

7. In view of above discussion and without commenting on merits of the

case, the present application is ***allowed***. The applicant/ accused is ordered to be released on bail subject to furnishing of his bail bonds in the sum of ***Rs.50,000/-*** with one surety of the like amount, to the satisfaction of the concerned Learned Court/Illaqa/Duty Magistrate, subject to the conditions that :

1. the applicant-accused shall not, directly or indirectly, made any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court to any police officer;
2. the accused-applicant shall not leave India without the previous permission of the Court, including the trial Court.
3. the accused- applicant shall attend the proceedings in accordance with the conditions of the bonds so executed under Chapter XXXIII of Cr.P.C.
4. the accused- applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;
5. the accused-applicant shall not tamper with the evidence by any means;
6. the accused-applicant shall appear before the trial court on each date of hearing unless his personal appearance is exempted.

Bail application file be attached with the main file.

Pronounced in open court
Dated: 09.10.2023

Prashant Verma,
Additional Sessions Judge
Tarn Taran/UID-PB0236

Sher Singh vs State

BA/3007/2023

Present: Shri AS Gill, Advocate, learned counsel for the
applicant/accused.
Shri Ravinder Singh Chandi, learned Additional Public Prosecutor
for the State.

Challan has been already filed and put up today. Arguments heard.
Through separate order of the even date, the application is allowed. Papers be attached
with the main file.

Pronounced in open court
Dated: 09.10.2023

Prashant Verma,
Additional Sessions Judge
Tarn Taran/UID-PB0236