

**In the court of Ms. Palwinder Jit Kaur,
Additional Sessions Judge, Hoshiarpur,
UID No. PB0187**

CIS No. BA/3007 of 2023
CNR No. PBH001009443-2023
Date of institution: 27.10.2023
Date of order: 02.11.2023.

Amandeep Singh aged 25 years son of Manjit Singh resident of village Chichra, PO Chak Shariff, Gurdaspur.

.....Accused-applicant

Versus

State of Punjab

..... Respondent.

FIR No. 81 dated 06.10.2023
U/s 21(1) of Mines and Minerals(Development &
Regulation) Act, 1957
P.S. Hajipur Distt. Hoshiarpur

(SECOND APPLICATION FOR ANTICIPATORY BAIL U/S 438 CR.PC)

Present: Shri Rajesh Chohan Advocate, for applicant-accused.
Sh. Sandeep Kumar Addl. PP for the State.

ORDER:

1. This order of mine shall dispose of an application filed by applicant/accused for grant of anticipatory bail in the above noted case.
2. As per case of prosecution, the present case was registered on the complaint moved by Mining Officer, Dasuya. The contents of the complaint are that on 6.10.2023 at about 1:00 noon, one Tipper bearing no.PB-07CD-8996 loaded with minor minerals 10 MM was stopped for checking in the area of village Khunda and driver of the Tipper was asked to produce the documents regarding leading of mines

and minors in the Tipper, but he failed to produce any document. On the basis of which present FIR was registered.

3. The learned counsel for the applicant-accused has submitted that the applicant-accused has been falsely implicated in the present case. The applicant is in possession of complete documents of Tipper as well as have legal bill of purchase of minor minerals loaded in the Tipper at the time of registration of FIR, which were purchased by the applicant on the name of the driver of Tipper. No recovery is to be made out from the applicant. This is the second bail application of the applicant-accused as the first application of the applicant was dismissed being infructuous. He has further contended that the custodial interrogation of the applicant-accused is not required in this case and he is ready to join investigation and prayed for release the applicant-accused on anticipatory bail.

4. On the other hand, learned Addl. PP for the State has opposed the bail application and prayed for dismissal of the same and further contended that the accused is actively involved and owner of tipper from which minor and minerals were recovered and prayed for dismissal of the bail application.

5. I have heard the learned counsel for applicant-accused as well as learned Addl. PP for the State and have perused the record.

6. It is admitted fact that the applicant-accused is owner of the Tipper in question. The applicant-accused has placed on record copy of order detail i.e. Form "Q" regarding crusher weighment slip in which date of order has been mentioned as 6.10.2023 at about 01:12 PM and number of vehicle is mentioned as PB-07CD-8996 and the copy of RC placed on record shows that the said vehicle is in the name of the applicant-accused.

The name of the applicant do not figure in the FIR. He was nominated as an accused later on being owner of the vehicle. The recovery in this case has already effected. Nothing is to be recovered from the applicant-accused. The role and liability of the present applicant-accused in the present case will be seen during the trial and not at this stage. So far as the averments/contentions of the learned Addl. Public Prosecutor for the State are concerned, those are matter to be appreciated only after taking evidence during trial. So, without commenting much upon merits of the case and keeping in view the fact and circumstances as above, it would be in the fitness of things to admit the applicant-accused on pre-arrest bail. As such, the applicant-accused is directed to join investigation within 7 days from today and on his doing so, he shall be released on interim bail by the investigating officer/SHO to his satisfaction. The present order is subject to the following conditions as envisaged under Section 438(2) Cr.PC.:-

- i. that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- ii. that the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii. that the applicant shall not leave the country without prior permission of the Court.

The prosecution shall have the right to approach this court in the event of non joining of the applicant-accused in the investigation as directed by this court. Nothing said or observed shall effect on the merits of the case. Police record be returned.

For awaiting report of IO case is adjourned to 22.11.2023.

Announced in open Court:
Dated: 02.11.2022.
Anil Kumar, JW

(Palwinder Jit Kaur),
Additional Sessions Judge
Hoshiarpur/(UID No.PB0187).

Direct dictation.