

**THE COURT OF SHRI PARMINDER SINGH RAI,
ADDITIONAL SESSIONS JUDGE, TARN TARAN**

CIS No. : BA/296/21.
Date of Institution : 04.02.2021.
Date of Decision : 11.02.2021.

Gurdev Singh son of Sewa Singh, resident of village Havelian Jhar Sahib
Gajjal, P.S. Khem Karan, Tehsil Patti, District Tarn Taran.

-----Applicant/accused.

Versus.

State of Punjab

-----Respondent.

FIR No. : 05 dated 28.01.2021.
Under Sections : 379, IPC, 21(1) Mines and Minerals
Act.
Police Station : Khem Karan.

Application under Section 439 Cr.P.C..

Present: Sh. R.P. Lumba, Advocate, counsel for the
applicant/accused.
Sh. Gurpreet Singh Rana, APP for the State.

ORDER

Accused/applicant has moved the present bail application under
Section 439 Cr.P.C. seeking grant of regular bail.

Heard. Learned counsel for the applicant-accused has argued
that allegations are false and the land where illegal mining is alleged
belonging to the complainant and no offence of theft is being made out. He
thus prays for grant of bail.

On the other hand, learned. Addl. PP for the State has opposed
the bail application on the ground of seriousness of the offence.

Record has been received and perused. As per the case so
registered on the complaint of Sub Divisional Officer cum Assistant District
Mining Officer Tarn Taran when he was checking illegal mining activity in
the area and when reached the boundary of village Gajjal where at the spot

Gurdev Singh who had dug an illegal pit in the land on the western side of his house in his land and from the said pit he had been mining illegal sand at odd hours and the sand was even collected nearby. He found the pit to be 15-20 feet deep and 14-15 in depth.

Apparently the land is alleged to be belonging to accused only where the alleged allegations of mining are alleged. Nothing as of now to be recovered from the accused. He has been coming in custody ever since 28.01.2021. No useful purpose would be served by keeping the applicant-accused behind the bars for indefinite period rather it will be a burden on state exchequer. It will take long time for the trial to be completed, so, in these circumstances, the present application is allowed and the applicant is ordered to be released on bail on furnishing bail and surety bonds in the sum of Rs.1,00,000/- with one surety in the like amount to the satisfaction of Illaqa/Duty Magistrate. Bail application file be consigned and copy of the order be tagged with the record of main case.

Pronounced
11.02.2021

Jaswinder Singh
Stenographer-III

Parminder Singh Rai
Additional Sessions Judge
Tarn Taran/UID-PB0175