

State Vs. Harman.

FIR No.82 of 2013.

**U/S 379, 353, 186 of IPC and Section 4, 5,
PLPA Act, 21(1) Mineral and Mine Act and
Under Section 177, 188 M.V. Act.
P.S. Naya Gaon.**

Present: Sh. R.S. Rana, Advocate, counsel for
applicant/accused Harman Singh.
Sh. Harshdeep, APP for the state.

Bail application put up before me being Duty Magistrate.

Heard, on the bail application moved by the counsel on behalf of accused Harman Singh. The counsel for applicant/accused argued that accused/applicant has been falsely implicated in the above-said case and he has not committed any alleged offence and he is innocent. He further argued that applicant is in judicial custody since 01.08.2019. He further argued that nothing has been recovered. He further argued that applicant undertake to appear on each and every date of hearing and the he shall abide by all the conditions imposed by this court in the event of his release on bail. He further vehemently argued that no useful purpose would be served by keeping the applicant/accused behind the bars. The learned counsel for the applicants/accused prayed that the accused may be admitted on bail.

The learned APP for the State contested the present bail application by filing reply and argued if he is granted bail then he will misuse the concession of bail. He prayed that the application may kindly be dismissed.

The applicant/accused is booked for the offence punishable under Section 379, 353, 186 of IPC and Section 4, 5, PLPA Act, 21(1) Mineral and Mine Act and Under Section 177, 188 M.V. Act. The Hon'ble Punjab and Haryana High Court in authority titled ***Sunder & another Vs. State of Haryana***, 2011(1) RCR(Criminal) (P&H) 883 no useful purpose would be served by detaining the accused any longer. Accused is in judicial custody since 01.08.2019. The presentation of challan and conclusion of trial will takes sufficient time. It is also settled law that bail is rule and jail is an exception.

Accordingly, accused Harman Singh is admitted to bail in FIR No. 82 of 2013 U/S 379, 353, 186 of IPC and Section 4, 5, PLPA Act, 21(1) Mineral and Mine Act and Under Section 177, 188 M.V. Act. P.S. Naya Gaon on his furnishing bail bonds to the tune of Rs.50,000/- along-with one surety of like amount subject to following conditions:-

- (a) that he/they shall attend the court proceedings on each and every date of hearing and shall not absented himself;
- (b) that he/they shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;
- (c) that he/they shall not leave the Country without the permission of the court;
- (d) And that he/they 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 from disclosing such facts to the court or tamper with the prosecution evidence.

Bail bonds and surety bonds not furnished.

Date of order: 27.08.2019.

(Shilpi Gupta)
Judicial Magistrate Ist Class.
UID No.PB0315.
Kharar.

Kulwinder Singh.
Stenographer Gr.II.