

**FIR no.0068 dated 16.10.2021
under sections 21(i), 4(i), of Mines
and Minerals Act and U/s 207 of
M.V.Act, Police Station, Pojewal.**

Present: Sh.Ashok Kumar Addl.P.P. for the State .
Sh.B.K.Chaudhary Advocate, counsel for the accused
Dilbagh Singh and Balwinder Kumar.

ORDER:

Bail application put up before me being duty Magistrate as Ms.Seema Agnihotri, JMIC Balachaur is on maternity leave. Reply to the bail application not filed by the Ld.APP for State.

Arguments heard on the bail application. In this bail application, Ld.counsel for the accused claimed that no offence whatsoever has been committed by the accused/applicants. Ld.counsel for accused further argued that nothing is left to be recovered from the accused and the accused have been falsely implicated in this case. Moreover, the accused/applicants have been arrested by the police on 16.10.2021 and a prayer is made for granting bail to accused.

On the other hand, Ld.APP for the State however opposed the bail application and submitted that accused have committed serious offence and they are very clever, notorious type persons and if court grants bail to the accused they will jump the bail and will threaten the complainant as well as witnesses and also hamper the trial proceedings. Ld.APP has further argued that the accused/applicants have failed to produce any

document regarding illegal mining of sand and he was apprehended at the spot. Ld.APP for the State finally prayed that the applicant may kindly be dismissed.

Perusal of the file shows that the accused has been arrested in the present case on 16.10.2021. As per prosecution story, the accused were apprehended at the time of loading sand in the vehicles by illegal mining. After hearing arguments, this Court is of the considered opinion that in this case, the recovery has already been effected and nothing is left to be recovered from accused. He is in judicial custody since 16.10.2021 so, no useful purpose shall be served by retaining the applicant/accused behind the bars for indefinite period. The presentation of challan as well as conclusion of trial is likely to take long time. Thus, without commenting a word upon the merits of the case further, applicants/accused are admitted to bail on his furnishing bail bonds in the sum of Rs.30,00/- with one surety in the like amount eachh subject to the following conditions:

- 1 That applicant/accused will not leave the country without permission of the Court.**
- 2 That he will not temper with the prosecution evidence.**
- 3 That he will appear in the Court on each and every date of hearings.**
- 4 That he shall not commit any offence of lime nature or any other offence punishable under law.**
- 5 That he shall not change his address without prior permission of the Court.**

Bail bonds and surety bonds furnished which have been accepted and attested by this Court. Release order be issued immediately. Papers be attached with the main remand papers.

Pronounced:

Dated: 25.10.2021

**(Balvinder Kaur Dhaliwal),PCS
Sub Divisional Judicial Magistrate,
(Duty)Balachaur/UID Code-PB0286**