

Present: Sh. Suresh Kataria, Advocate for applicant/accused.
Ms. Taranvir Kaur, Additional Public Prosecutor for the State
with ASI-Sukhvir Singh, PS Pojewal.

ORDER:

Police record produced. Learned Additional Public Prosecutor has produced report of ASI-Sukhvir Singh, PS, Pojewal, be placed on file.

2. Heard on the bail application under Section 438 Cr.P.C. filed by applicant/accused Baljinder Kaur wife of Bikram Singh, resident of Village Rouri, Tehsil Balachaur, District SBS Nagar, in case FIR No.61, dated 09.09.2021, under Sections 21(1), 4(1) of Mines and Minerals (Regulation & Development) Act, 1957 (hereinafter referred as Mining Act), 120-B IPC and 207 of MV, Act, PS, Pojewal.

3. Learned counsel for applicant/accused has vehemently argued that applicant/accused is innocent and has not committed any offence. He has further argued that the applicant/accused has not been named in the FIR. He has further argued that she has no concern with the tipper bearing registration No.PB-07-BW-5755 as she has already sold the same to named accused Suresh Kumar. He has further argued that nothing is to be recovered from the applicant/accused and she is ready to join investigation. Lastly, he has prayed for granting anticipatory bail to applicant/accused.

4. These contentions have been rebutted by learned Additional Public Prosecutor for the State contending that though applicant/accused is not named in the FIR but she is owner of tipper bearing registration No.PB-07-BW-5755, which was recovered on the spot filled with earth

and same was being driven by named accused Suresh Kumar. She has further argued that applicant/accused has committed serious offence and her custodial interrogation is required. Lastly, she has prayed to dismiss the present bail application.

5. I have considered the rival contentions raised by learned counsel for the applicant/accused and learned Additional Public Prosecutor for the State. I have also perused the record.

6. Admittedly, applicant/accused has not been named in the FIR and as per prosecution story, tipper bearing registration No.PB-07-BW-5755 has been recovered on the spot, which was filled with earth and said tipper has been filled with earth on account of illegal mining. Driver of said tipper has already been arrested on the spot. Tipper allegedly filled with earth on account of illegal mining has also been recovered from the spot. Applicant/accused is registered owner of said tipper and as per affidavit dated 06.08.2021 attached with the present bail application, she has sold the said tipper to Suresh Kumar applicant/accused. Nothing is to be recovered from the applicant/accused and she is ready to join the investigation.

7. In view of the facts and circumstances of the case as discussed above and the fact that the applicant/accused is ready to join investigation, without commenting on the merit of the case, this Court is of the view that it is a fit case to direct the applicant/accused to join investigation. It is ordered accordingly. In the event of arrest of applicant/accused, she be released on bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the following

conditions:

- (A) Applicant/accused shall make herself available for interrogation by police officer as and when required.
- (B) Applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of present case so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (C) Applicant/accused shall not leave India without prior permission of the trial Court.

8. Before parting with this order, it is made clear that these observations are only for limited purpose for adjudication of the bail application at this stage and as such, are not to be construed expression on merit of the case. To come up on 21.09.2021 for awaiting report of Investigating Officer/Arresting Officer. Police record be returned and be again produced on the date fixed.

Pronounced.
Dated:17.09.2021.

-Vinay-

Randhir Verma,
Additional Sessions Judge,
Shaheed Bhagat Singh Nagar.
(UID No.PB-0165)