

**IN THE COURT OF MS. JATINDER KAUR,  
SESSIONS JUDGE, FAZILKA (UID No. PB0062).**

CIS NO. BA/221/2023.

Date of Instt: 02.02.2023.

CNR No. PBFZC0-000575-2023.

DATE OF ORDER: 03.02.2023.

Balwinder Singh age about 34 years son of Bagicha Singh resident of village Arriyan Wala (Vaa Mohkam) Tehsil Jalalabad District Fazilka.

----Applicant-accused.

Versus

State of Punjab

-----Respondent

Application for bail u/s 438 (i) Cr.P.C. in FIR no. 146 dated 03.11.2021 under section 379 IPC and section 21 of Mines and Minerals (Development & Regulations), Act, 1957, P.S. Sadar, Jalalabad.

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Present: Ms. Shilpa Wadhera Advocate counsel for applicant.  
Sh. Wazir Kamboj, Addl. P.P. for the State-respondent.

**ORDER**

This order of mine shall dispose of present bail application U/S 438 (1) Cr.P.C. moved by the above named applicant-accused in the aforementioned FIR.

2. The brief facts leading to the filing of the present bail application are that on 03.11.2021 ASI Tilak Raj alongwith other police officials, in connection with patrolling and checking of suspected persons, was present near canal drain in the area of village Kaluwala, where police party received a secret information that Balwinder Singh son of Bagicha Singh resident of village Arianwala (Vaa Mohkam Wali) is habitual of stealing sand and at that time also, Balwinder Singh had gone on his

Tractor Standard DI 355 along with trolly to excavate sand from river in the area of Dhani Phoola Singh and if a raid is conducted right now, he can be apprehended red handed. Considering the information to be credible, I.O. sent a ruqa to the police station through PHG Mohan Lal, on the basis of which, FIR in the present case was registered. During police raid, tractor Standard DI-355 bearing registration no. WB-51A-3814 along with trolly filled with sand was recovered from the spot. However, driver of the tractor fled away from the spot. Case property was taken into police possession vide separate recovery memo. Apprehending his arrest, the present anticipatory bail application has been filed by the above named applicant-accused.

3. Notice of the bail application was given to the State. Learned Addl. P.P. appeared on behalf of the State and contested the same for the State.

4. This Court has heard the contentions raised by learned counsel for the applicant as well as learned Addl. P.P. for the State and have also perused the record of the case.

5. The learned counsel for the applicant-accused contended that the applicant-accused is innocent and he has been falsely implicated in the present case. Nothing is to be recovered from the applicant-accused, so his custodial interrogation is not required and prayer was made for acceptance of the present anticipatory bail application.

Whereas on the other hand, learned Addl. P.P. for the State opposed the present bail application. He has contended that one more FIR has been registered against the applicant-accused. He has contended that accused-applicant has committed the serious offence under section 379 IPC & 21(i) of Mines & Minerals Act by carrying sand illegally without any

document or weightment slip and the accused does not deserve the benefit of bail and prayed for the dismissal of anticipatory bail application.

6. Although, as per the I.O., one more FIR already stood registered against the applicant-accused, but considering the facts and allegations levelled against the accused/applicant and keeping in view the fact that since the applicant is ready to join the investigation and cooperate with the investigating agency, the applicant is directed to join the investigation as and when called by the I.O. and it is also clarified that in the event of arrest, the applicant shall be released on bail to the satisfaction of Arresting/Investigating Officer. The applicant shall also be bound by all the conditions contained in section 438 (2) Cr.P.C. Police record be returned.

7. Bail application file be consigned to the Record Room, after due compilation.

Sd/-

Pronounced  
Dated: 03.02.2023.

‘Bhola Shankar’  
‘Stenographer Gr.I’

(Jatinder Kaur),  
Sessions Judge,  
Fazilka (UID No. PB0062)

BA 221 of 2023     Balwinder Singh versus State of Punjab  
CNR No. PBFZC0-000575-2023

Present:-     Ms. Shilpa Wadhera Advocate counsel for applicant-accused.

Ms. Shilpa Wadhera Advocate has filed memo of presence on behalf of applicant-accused Balwinder Singh.

Upon notice, Shri Wazir Kamboj, Addl. P.P. put appearance on behalf of respondent-State and contested the bail application.

Report of Ahlmad perused. Heard. Vide my separate & detailed order of today, the bail application u/s 438 (1) Cr.P.C. applied on behalf of aforementioned applicant-accused has been disposed off, as recorded therein.

Bail application file be consigned to the Record Room, Fazilka, after due compilation.

Sd/-

Pronounced  
Dated: 03.02.2023.  
'Bhola Shankar'  
'Stenographer Gr.I'

(Jatinder Kaur),  
Sessions Judge,  
Fazilka (UID No. PB0062)