

CNR No. PBFZ0100-5695-2019

B.A. No.507 dated 07.11.2019

CIS No.BA-2187/2019

Date of Order: 13.11.2019

(Application for bail under Section 438 of Cr.P.C)

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Present: Sh. D.S. Dhillon, Adv., counsel for the applicant/ accused.

Sh. Rajiv Chaudhary, Addl.PP for the State.

O R D E R

1. Heard on the bail application moved by applicant/accused Nirmal Singh, under Section 438 of Cr.P.C, pertaining to FIR No.47, dated 27.03.2018, under sections 379 IPC and 21(3) of Mines and Minerals (Development and Regulation) Act, Police Station, Makhu, wherein learned Additional PP for the State has opposed the same on the ground that there are serious allegations against the applicant/accused.

2. Perusal of the FIR as well as police record shows that the aforesaid FIR has been registered on the basis of secret information against the applicant/accused with the allegations that he is in the habit of theft and transporting sand by way of illegal manner, in his tractor-trolley.

3. Be that as it may, recovery in the present case has already been affected and the applicant/accused was not arrested at the spot.

4. While taking into consideration the aforesaid facts and circumstances when admittedly, neither the alleged land from where the illegal mining was done, belonged to the applicant/accused; alongwith the fact that the alleged tractor-trolley filled with the sand have already been recovered and there are no chances of tampering of prosecution evidence and no possibility of the applicant/accused to flee from justice, as such, in the event of arrest of applicant/accused, shall be released on interim bail to the satisfaction of Arresting Officer/Investigating Officer. The applicant/accused shall comply with the provisions of section 438 (2) Cr.P.C and he shall join the investigation pertaining to the case in hand within 07 days from today.

5. Now to come up on 21.11.2019 for further proceedings and consideration. Police record be returned and the same be again produced on the date fixed.

Pronounced in open Court.
Dated: 13.11.2019
yashpaul

Sd/-(Sachin Sharma)
Addl.Sessions Judge,
Ferozepur
UID No.PB0519