

Jatinder Singh and others Vs. State CIS No. 2072 of 2020
CNR No.PBHO0100 4866 2020

Present: Shri Loveleen Singh Advocate for applicants/accused
Shri Gurpreet Singh, Addl. PP for the State

Record Produced. Applicants/accused, namely, Jatinder Singh, Balwinder Singh and Kuldeep Singh have sought pre arrest bail in FIR No.225 dated 23.9.2020, U/Sec. 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, PS : Dasuya, District Hoshiarpur. The learned counsel for applicants/accused has submitted that as per allegations, all the three applicants/accused are drivers of tippers and JCB machines in question and they are not named in the FIR. It is also submitted that the FIR was registered against one Sabi of village Berchha, the owner of the field from where the alleged sand was extracted. Also he submitted that the applicants/accused are only the drivers of the vehicles in question and no offence is made out against them. Also he submitted that nothing is to be recovered from the applicants/accused and that the present applicant/accused is ready to join the investigation. Hence, it is prayed that the applicant/accused may be released on bail.

3. On the other hand, learned Addl. PP for the State submitted that that although the recovery has already been effected, but RCs of the said vehicles are yet to be recovered. He submitted that the custodial interrogation of applicants/accused is necessary in this case to ascertain the truth. Hence, he resisted the bail application and prayed for dismissal of the same.

4. Heard. Record perused. As per case of prosecution, on 23.9.2020, a secret information was received by the police party headed by

ASI Pawan Kumar that in the area of village Berchha, Sabhi son of Harbhajan Singh, resident of village Berchha is extracting minerals from mines, illegally from his fields and if raid was conducted, accused can be apprehended. Upon this, the investigating officer along with his police reached the spot and on seeing the police party, the drivers of three tippers and three JCB machines run away after leaving the said vehicles at the spot. The said vehicles were taken into possession. The record further shows that recovery of three tippers and three JCB machines has already been effected and all the three applicants/accused are drivers of the vehicles in question. In these circumstances, this court deems it a fit case to direct the applicants/accused to join the investigation. Accordingly, the applicants/accused are directed to join the investigation within 7 working days from today, in which event, they shall be released on interim anticipatory bail to his satisfaction by the Investigating Officer/Arresting Officer, subject to the conditions that the applicants/accused shall join the investigation as and when called by the Investigating Agency, that they shall not leave India without prior permission of the Court and shall not tamper with the prosecution evidence. For report, to come up on 5.10.2020. Police record be returned and produced on next date of hearing.

Dated: 29.9.2020

baljinder

(Neelam Arora)
Addl. Sessions Judge
Hoshiarpur
UID No. PB0091