

IN THE COURT OF SMT. PARAMJIT KAUR, ADDITIONAL
SESSIONS JUDGE, TARN TARAN.

CNR No.PBTT0100-4435-2019
CIS No.BA/2349/2019
Bail Application No.558/26.8.2019
Decided on : 13.4.2019

State of Punjab

Versus

Vijay Singh alias Vijay son of Piara Singh, resident of Behak Gujran,
Tehsil Zira, District Ferozepur.

(Applicant-accused)

FIR No.133 dated 14.8.2019
U/s 379-B of the IPC & section
21(1) Mining Act Punjab
Police Station : Sadar Patti.

BAIL APPLICATION U/S 439 Cr.P.C.

Present: Shri S.S. Manawa Advocate, Ld. Counsel for the applicant-
accused
Shri Inderpal Singh Sandhu, Ld. Additional Public
Prosecutor for respondent/State of Punjab

ORDER

1. This order of mine shall dispose of bail application filed by applicant-accused, under Section 439 of the Cr.P.C. in case FIR No.133 dated 14.8.2019, U/s 379-B of IPC and section 21(1) of Mining Act Punjab, registered at Police Station Sadar Patti.
2. Notice of the bail application was issued to the Ld. Additional Public Prosecutor for the State and record was also requisitioned.
3. I have heard the Ld. Counsel for applicant-accused and the Ld. Additional Public Prosecutor for the State and have gone through the record.
4. It has been argued by Ld. Counsel for the applicant-accused that applicant-accused is in judicial custody since 14.8.2019 and is no more required by the police for further interrogation and investigation. The case is

false and applicant-accused have been falsley invoved in the case due tp party faction of the village. The applicant-accused never committed any alleged crime as alleged in the FIR. No such incriminating document or article have been recovered from the possession of the applicant-accused. No offence is made out against the applicant-accused, as alleged by the prosecution in the alleged FIR. The offence under section 379 IPC is not made out as the provisions of section 21-A of Punjab Mining Act will supersede the provision of IPC being special enactment. The applicant-accused has not illegally excavated any sand from any licensed mine or rivber bed. No useful purpose shall be served by detaining the applicant-accused behind the bars. The applicant-accused shall not misuse the privileges of bail. There is no likelihood of the applicant-accused to abscond or to temper with the prosecution evidence in the event of his bail. The presentation of challan and subsequent trial is likely to take a long time. The applicant-accused undertakes to abide by the directions issued by this court. So he may be admitted to bail.

5. Ld. Additional Public Prosecutor for the State on the other hand has opposed the bail application on the ground that both the applicants-accused were indulged in illegal mining of earth and its theft. A prayer has been made to dismiss the bail application filed by the applicants-accused.

6. From the contents of the FIR, it is revealed that a secret information was received by police that accused is indulged in illegal Mining of Sand from river bed. Accused was apprehended on the basis of information so received on 14.8.2019. Since then he is in judicial custody. Recovery of sand has already been effected from him. The

presentation of challan and its disposal is likely to take time, as such, both the applicant-accused is ordered to be released on bail on his furnishing bail bonds in the sum of Rs.40,000/- with one surety of the like amount before the Learned Illaqa Magistrate/Duty Magistrate, subject to the following conditions :-

7. That the applicant-accused shall appear in the Court on each and every date of hearing.
8. That the applicant-accused shall not leave India without prior permission of the Court and shall not induce the prosecution witnesses.
9. That the applicant-accused shall surrender their passports. If they do not possess any passport, then the affidavits in this respect be also furnished by the applicants-accused within five days from the date of release.
10. The bail application stands disposed of accordingly and the bail application file be placed on record/consigned to the Record Room, Tarn Taran.

Pronounced in open court:

Dated : 13.9.2019

Inderjit Singh Steno Gr.I

Paramjit Kaur
Additional Sessions Judge, Tarn Taran
UID-PB-0134

