

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

CIS NO. BA/176/2023.

Date of Instt: 27.01.2023.

CNR No. PBFZC0-000485-2023.

DATE OF ORDER: 31.01.2023.

Shinder Singh @ Surinder Singh age about 35 years son of Pritam Singh
resident of village Paliwala Tehsil Jalalabad District Fazilka.

----Applicant-accused.

Versus

State of Punjab

-----Respondent

Application for bail u/s 438 (i) Cr.P.C. in FIR no. 06 dated
21.01.2023 under section 379 IPC and section 21 of Mines and
Minerals (Development & Regulations), Act, 1957, P.S.
Vairoke.

Present: Sh. Udik Singh 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 21.01.2023 ASI Des Singh alongwith other police
officials, in connection with patrolling and checking of suspected persons,
was present near canal drain in the area of village Kathgarh, where police
party received a secret information that Chhinder Singh son of Pritam
Singh and Baldev Singh son of Mohinder Singh residents of village
Paliwala and Vicky Sharma son of un-known resident of village

Kamrewala are habitual of excavating sand from a semnala situated in village Kamrewala and on that day also, they were excavating sand from a little ahead of Mala Singh's Ghaat, village Paliwala and is loading the same in a trolley attached with a Tractor New Holland of blue colour and if a raid is conducted right now, they can be apprehended red handed along with the tractor trolley filled with sand. Considering the information to be credible, I.O. sent a ruqa to the police station through PHG Manga Singh, on the basis of which, FIR in the present case was registered. During police raid, a trolley filled with about 40 square feet sand was recovered from the spot. However, apprehending police raid, the aforesaid persons succeeded in fleeing away from the spot by detaching the tractor from the trolley. The recovered trolley filled with sand 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

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

6. 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: 31.01.2023.

‘Bhola Shankar’
‘Stenographer Gr.I’

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

BA 176 of 2023 Shinder Singh versus State of Punjab
CNR No. PBFZC0-000485-2023

Present:- Sh. Udik Singh Advocate counsel for applicant-accused.

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: 31.01.2023.

‘Bhola Shankar’
‘Stenographer Gr.I’

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