

BA 181 2024 State Vs. Ranjit Masih and Anr.

FIR No.83 dated 15.05.2024

U/s 379 IPC, Section 21 (1) Mines and Minerals Act.

PS Ajnala.

Present: Sh.Manjit Singh Bhatti Advocate Counsel for  
applicants/accused Ranjit Masih and Ravi Masih.  
Sh. Amandeep Singh, Id. APP for the State.

**ORDER:**

Heard on the bail application of applicants/accused Ranjit Masih and Ravi Masih. It is averred in the application that the applicants are innocent persons and have been falsely implicated in the above said case by police. As per the citation of the Hon'ble Punjab and Haryana High Court, Chandigarh, FIR U/s 379 IPC in offence of theft of sand is not permissible and only complaint in Court by Mining Officer is to be filed under the Mines and Mineral Act, which is bailable one. Offence under Section 379 IPC is added in the FIR to make it non bailable FIR. No useful purpose will be served by detaining the applicants behind the bars. Completion of the investigation as well as trial is yet to take a long time. The applicants undertake to appear in the above said case regularly, if they are released on bail. The applicants undertake not to likely abscond in the above said case, if they are released on bail. The applicants will abide by all the terms and conditions imposed by this Court. This is regular bail application of the applicants and at present no such bail application of the applicants is pending in the Hon'ble Sessions Court or in the Hon'ble Punjab and Haryana High Court, Chandigarh. So, prayed to allow the bail application.

2. Instead of filing reply to the application, Id.APP for the State, orally stated that the accused/applicants are not entitled to concession of bail as the allegations levelled against the accused are serious in nature. So, prayed to dismiss the bail application of accused-applicants. However, ASI Kuldeep Singh suffered a statement separately to the effect that no any bail application is pending in any court of law and no offence added except U/s 379 IPC & 21 (1) Mines and Minerals Act in this case.

3. This Court has gone through the averments of the application as well as material available on record. This Court has also heard the

arguments of ld. counsel for the accused and ld. APP for the State and has further gone through the legal proposition which are required to be taken into consideration for the just decision of the present application.

4. Perusal of FIR shows that Police officials in connection with patrolling and search of bad elements were going from Adda Chamiyari to village Gujhampir, Dhariwal Kaler etc., when police party reached at drain pull Chamiyari, where informer came present before the IO and gave a secret information that Ranjit Masih and Ravi Masih, after committing theft of the sand, were going from Ajnala to Gujhampir side with the intent to sell the sand. If nakabandi be arranged, the accused can be apprehended along with illegal sand. Nakabandi was arranged as per the information and accused persons were apprehended. On checking the above said vehicles, sand was loaded in it and on asking about the weighment slip and source of sand which was loaded by accused in the above said vehicles. They were unable to produce any weighment slip regarding the above said vehicle.

5. Undisputedly, recovery has already been effected from the possession of accused. They are no more wanted by the police for further interrogation or investigation. The presentation of challan and conclusion of trial will take time. As such, no useful purpose would be served by keeping the accused behind bars. Hence, the accused-applicants Ravi Masih and Ranjit Masih are ordered to be released on bail on furnishing bail bonds in the sum of Rs.60,000/- with one surety in the like amount each with the condition that the accused shall not temper with the evidence and shall not leave the country without prior permission of the Court. Bail bonds and surety bonds not furnished. Let, file be put up on 30.05.2024, the date already fixed.

Announced in open court.  
Dt. 20.05.2024.  
Chetan St Gr:II

(Manpreet Kaur), PCS  
Sub Divisional Judicial Magistrate,  
UID No:PB0367/Ajnala.