

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

CIS NO. BA/1726/2024.

Date of Instt: 03.09.2024.

CNR No. PBFZC0-004521-2024.

DATE OF ORDER:07.09.2024.

Kala Singh aged 69 years son of Khushal Singh resident of village Chak Paliwala, Tehsil Jalalabad, District Fazilka.

----Applicant-accused.

Versus

State of Punjab

-----Respondent

Application for anticipatory bail in FIR no. 98 dated 31.08.2024, under section 303(2) B.N.S. & Section 21 (i) of Mines & Minerals Act, PS Arniwala.

Present: Sh. H.S. Sanyasi, Advocate counsel for applicant.
Sh. Wazir Kamboj, P.P. for the State-respondent.

ORDER

This order of mine shall dispose off present anticipatory bail application moved by the above mentioned applicant-accused in the aforementioned FIR.

2. The brief facts leading to the filing of the present bail application are that on 31.08.2024 ASI Malkeet Singh alongwith other police officials in connection with patrolling and checking of suspected persons was present at Bus Stand, Mandi Roranwali, where police party received a secret information to the effect that Kala Singh son of Khushal Singh, resident of village Paliwala is habitual of excavating and selling the sand and he has loaded the sand in a trolley attached with a Tractor Sawraj 744 of blue and white colour and is going from village Sarrian to Halimwala and if raid is conducted right now near Pipe factory of Jagdish Kumar Sarpanch, link road, village Sahiwala, he

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 Nand Singh, on the basis of which, FIR in the present case was registered. During police raid, accused succeeded in fleeing away from the spot and trolley loaded with sand attached with the tractor was recovered from the spot. The recovered tractor trolley filled with sand was taken into police possession vide separate recovery memo. Apprehending his arrest, present anticipatory bail application has been filed by above named applicant-accused.

3. Notice of the bail application was given to the State. Learned 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 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 P.P. for the State opposed the present bail application. He has contended that accused/applicant has committed the serious offence under section 303(2) B.N.S. & 21 (i) of Mines & Minerals Act by carrying sand illegally without any document or weightment 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 within 03 days 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.

Compliance report in this regard be awaited till 11.09.2024.

Sd/-

Pronounced
Dated: 07.09.2024
(Sanjeev Narang)
(Stenographer Gr.II)

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