

BA172 Harinder Singh Vs.State
(CNR No.PBHO010004872024)

Present: Sh.Satpal Bharwal, Advocate counsel for the bail applicant/accused
Sh.Pawanpreet Singh, Addl.Public Prosecutor for the respondent
State.

This application under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail was filed by bail applicant/accused Harinder Singh on 12.01.2024. Upon notice, respondent State appeared and contested the bail application. Police record has been produced by SI Jagjit Singh.

Arguments heard. Record perused. In this case, FIR No.101 dated 12.12.2023, under Section 379 of Indian Penal Code and 21(1) of Mining and Mineral (Regulation & Development) Act, 1957, Police Station Hajipur, District Hoshiarpur, has been registered on the allegations that on 12.12.2023, two tippers bearing registration No.PB02-EK-6590 and PB06-V-5686 were found indulging in illegal mining of sand. Driver of both the tipper vehicles ran away. These vehicles were taken in police possession. Investigation was conducted.

During investigation, accused Pritpal Singh driver of tipper bearing registration No.PB02-EK-6590 was arrested on 13.12.2023. On the basis of information given by him and verification of registration certificate of the said Tipper vehicle, bail applicant Harinder Singh was nominated as accused being registered owner of the said Tipper vehicle.

Through the present application, pre-arrest bail has been sought by the bail applicant/accused on the ground that false allegations have been levelled against him; he is not named in the FIR ; nothing is to be recovered

from him; the Tipper in question is already in police custody and he is ready to join the investigation. However, these allegations have been denied by the respondent State.

Perusal of police record reveals that the bail applicant/accused is not named in the FIR and he has been subsequently nominated as accused being registered owner of the Tipper vehicle, which was apprehended at the spot for being used in illegal mining of sand. He is ready to join the investigation. Therefore, keeping in view the abovesaid facts and circumstances of the case, the bail applicant/accused is directed to join investigation within a period of one week and if he does so, he shall be admitted to interim bail on his furnishing a personal bond in the sum of ₹50,000/- with one surety of the like amount to the satisfaction of the arresting officer, subject to his complying with conditions imposed under Section 438 of the Code of Criminal Procedure. Police record be returned.

To come up on 30.01.2024 after compliance of this direction.

Date of Order: 19.01.2024
Suresh Sood, Stenographer

(Dilbagh Singh Johal)
Sessions Judge, Hoshiarpur.
(UID No.PB0069)