

**IN THE COURT OF SH. SANDEEP SINGH JOSSAN (PB0150)
ADDITIONAL SESSIONS JUDGE, HOSHIARPUR.**

**BA No. 1681/2022
CNR No.PBHO010050412022
Decided on : 30.7.2022.**

Gurcharanjit Singh, aged 42 years, son of SH.Kabal Singh, resident of
178- Bank Colony, Gali No.3, Mithapur Chowk, Jalandhar.

. . . Accused/applicant.

Versus

State of Punjab.

. . . Respondent.

FIR No. 62, dated 22.7.2022,
U/s 21(1) of Mines & Minerals
Devp. Regulation Act, 1957 and
Sec. 379 IPC.
P.S. Talwara, Distt. Hoshiarpur.

Bail application U/s 438 Cr.P.C.

Present: Sh. MP Singh, cl for the applicant.
Addl. PP for the State.

ORDER

1. This order disposes off bail application of accused described
in detail herein above.

2. Accusations leading to the registration of this FIR is that
police party along-with Sunil Sharma and Ajay Pandey, JE-cum-Mining
Officer in connection with proceedings of letter of SDM: Mukerian
reached adjacent in the area near the border of Himachal Pardesh and
checked the crusher. The drivers ran away on seeing the police party, but
owner of the crusher namely Manoj Kumar Rinku was nabbed and was
asked to produce documents with regard to the crusher but he could not

produce any document with regard to the crusher installed in Government of Punjab. As per the letter of SDM, the said crusher was installed in Hadbast No.604, khasra No.1. No permission regarding crusher was obtained from concerned department of the Punjab Govt. The vehicles recovered at that time were having numbers, 1) Tata Tipper 1613, red colour PB06-H-9482, 2) Tata Tipper 1613, red colour PB07-P-2936, 3) Tata Tipper 1613, red colour HP-66-4242, 4) Bharat Bainz, Tipper yellow colour PB10-DZ-6845, 5) Tata Tipper white colour PB11AK-8465, 6) Tractor-trolley Sonalika D-750 111, blue colour PB07-BZ-1396, 7) Tractor-trolley Swaraj 855 FE, blue colour PB07-BY-4626, 8) Tractor-trolley Massey ferguson blue colour without number, 9) Poklane Hyundai 140LC-Y, yellow colour, without number, 10) Poklane Hyundai Robex 210, yellow colour, without number, 11) JCB 3DX yellow colour, without number.

3. It is urged on behalf of the accused/ applicant that accused is innocent and has been falsely implication. That, when raiding party reached the spot, they have found some vehicles lying parked without any gravel, crushed stone or mining material, which includes five tippers, three tractor-trolleys, two Poklanes and one JCB whereupon the police took into possession the aforesaid entire vehicles although there is no evidence of mining, digging or moving. That, stone crusher is in Hadbast No.604 of village Talwara, whereas above-said stone crusher is in Himachal Pardesh and one Devi Singh had licensing rights of that area duly licensed from the Himachal Govt and is entered into an agreement with one Upasana daughter of Gandharav Singh wife of Manoj Singh and

process of transfer of crusher and licensing rights of Devi Singh in the name of Upasana is pending with Govt. That applicant is nothing to do with the aforesaid stone crusher. Neither he is a partner nor is doing any mining in that area. It is submitted that applicant is a trader and works in the name of Shiv Shankar Traders, Talwara and having some machinery, i.e. two Poklane and one tipper No.PB10-DZ-6485 and these vehicles have been taken into custody by police despite that there is no iota of evidence. The police has already taken into possession the tipper and Poklane of the applicant and he is not required for any further investigation, interrogation or for recovery of anything. That, police is raiding the house and business place of applicant and he apprehends his arrest.

4. The bail application has been opposed.

5. After hearing the learned counsel for the parties and going through the records of the case, it came out that accused committed a serious offence because 11 vehicles were recovered at the time of raid, i.e. Tata Tipper, Tata Tipper, Tata Tipper 1613, Bharat Bainz, Tipper, Tata Tipper, Tractor-trolley, Tractor-trolley, Tractor-trolley, Poklane, Poklane, and JCB 3DX. So keeping in view the material facts of the case, nature of crime, gravity of offence and the manner in which it is alleged to have been committed, I find that extra ordinary relief of anticipatory bail is not to be extended in such like cases and it would not only hamper the investigations but would also send a wrong signal to the society. Resultantly, application is found to be without merit and is dismissed.

Before parting with this order, let it be clear that all said and

observed herein before is only for the purpose of deciding the application in hand shall not have any effect upon the merits or ultimate out come of the case.

File to be consigned to the record room.

Pronounced. Dated: 30.7.2022.	Sandeep Singh Jossan PB0150 Additional Sessions Judge, Hoshiarpur.
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*Typed by : Mukesh Chander
Stenographer Grade-1.*