

1) Harbhal Singh alias Gursahib Singh Versus State (BA No.1683/21)
2) Gurwinder Singh Versus State of Punjab (BA No.1684/21)
FIR No.40/2021 of P.S.Kacha Pacca.
Under Section 379 IPC and Sec.21 of Mines and Minerals Act, 1957.

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Present: Shri Nakul Devgan, Advocate for the accused-applicant.  
Ms.Ramneet Kaur, APP for the State.

By means of this common order, two separate applications filed by above named accused seeking their release on regular bail under Section 439 Cr.P.C. are being disposed of.

The accused have come up with a prayer for their release from custody with the submissions that they are quite innocent and falsely implicated in the case and are lying lodged in custody since 13.6.2021.

Upon notice of the applications, the investigating agency has produced records of the case which I have perused carefully and have heard the learned counsel for the accused-applicants and learned APP for the State.

As per records, the allegations against the accused-applicants are that during the course of a Nakabandi set up on the basis of prior secret information both the accused were apprehended while travelling on a tipper trolly No.PB-46-M-8148 which was being driven by applicant Gurwinder Singh alias Ginda and the co-passanger as Harbhal Singh. The said tipper trolly, according to the investigating agency was loaded with sand regarding which the accused could not produce any receipt or permit and hence assuming the same to be stolen property, the accused have been booked in the present case. As uptil now, there is nothing available with the investigating agency that the alleged sand loaded in the tipper trolly is infact a stolen property and there is no complaint with regard to theft thereof from anyone including any Mining Officer. The accused applicants are lying lodged in custody since 13.6.2021 and considering the nature of allegations but at the same time without commenting anything on the merits of the case, I am of the considered view that the accused-applicants do deserve to be released on bail.

Accordingly, bail applications of both the accused are hereby allowed and they are ordered to be released on their furnishing personal bonds in the sum of Rs.50000/- each with one surety in the like amount to the satisfaction of the learned Ilaqa/Duty Magistrate. A copy of this order be

placed on the file of connected bail application and the papers of both the applications be consigned to Record Room.

Pronounced:  
28.6.2021.

(Charanjeet Arora)  
Addl.Sessions Judge (D), Tarn Taran.  
(UID No.PB0178)