

Baljeet Singh and another vs. State of Punjab

Present: Sh.Amandeep Sharma, Adv.counsel for applicants.
Sh.M.S.Sidhu, Addl.PP for the State.

1) This order of mine shall dispose of first anticipatory bail application filed by the applicants in the FIR No.46 dated 5.7.2021, u/s 379 IPC and section 21 of the Mines Act, 1952, PS Kotfatta, District Bathinda.

2) Learned counsel for the applicant has submitted that applicants has been falsely implicated. Applicants have no concern with the property in question, which is owned by Gurjant Singh. There is nothing on record to connect the applicants with the commission of offence. The offence u/s 379 IPC is even otherwise not attracted and the proceeding u/s 21 Mines Act is also not maintainable in view of the embargo of section 22 of the Mines Act. He has prayed for the acceptance of the bail application.

3) I have considered the submissions made by learned counsel for the applicant as well as learned Addl.PP for the State.

4) Perusal of the file reveals that the instant case was registered when one video was viral on the facebook qua the illegal mining on the land of Gurjant Singh. The police party on inquiry received a secret information that Gurjant Singh, his son Jagmeet Singh, Sukhdev Singh, Baljit Singh, Gurjeet Singh, Jagjit Singh and unknown persons were indulging in illegal mining by excavating sand, which they used to sell to the innocent people. Raid was conducted at the disclosed place and Jagmeet Singh was apprehended. Nothing was recovered from him. No vehicle or machine for excavating sand was recovered from the spot.

5) So, from the version of the prosecution, the case was registered on the basis of one video which is alleged to have gone viral qua the illegal mining at the land of Gurjant Singh, but no recovery was effected from the son of Gurjant Singh, who was apprehended from the spot. Commission of offence under section 379 IPC is being disputed by counsel for the applicants and so has he disputed with the maintainability of proceedings under section 21 of Mines and Minerals Act. So, when nothing has been recovered from the accused apprehended from the spot, I find that custodial interrogation of applicants is not required. Thus, the applicants are admitted on interim bail subject to joining the investigation and cooperating in it within two days and on his doing so, they shall be admitted on bail by the Investigating Officer subject to furnishing of their bail bonds to his satisfaction. A copy of this order be sent to the quarter concerned. Now to come up on 14.07.2021 for awaiting outcome of the investigation after joining investigation by the applicant.

**Pronounced:
Dt.12.07.2021.**

Kulwinder Singh,
Stenographer-II

**(Sanjeeta),
Addl. Sessions Judge,
Bathinda(UID:PB0177).**