

CNR No.PBFZ0100-2789-2020

CIS No. BA-1429 of 2020

Dated of order: 21.07.2020

(Application u/s 438 Cr.P.C.)

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Present: Sh. R.S. Sidhu, Adv., counsel for the applicant/accused.

Sh. Rajiv Chaudhary, Addl.PP for the State.

ORDER

1. Heard on the bail application moved by applicant/accused Jaspal Singh, under Section 438 of Cr.P.C, pertaining to FIR No.43, dated 28.05.2020, under section 379 IPC and 21(3) of Mines and Mineral (Development and Regulation) Act, Police Station, Zira, wherein learned Additional PP for the State has opposed the same, on the ground that there are serious allegations against the applicant/accused.

2. Perusal of the FIR as well as police record shows that the present case has been registered against unknown person under the Mining Act, as recovery of tractor alongwith *traula* filled with the illegal sand has been effected.

3. It is further relevant to mention over here that the present FIR has been registered on 28.05.2020 and name of the applicant/accused was nominated in the present case on 04.06.2020, when the Investigation Agency came to know that the aforesaid *traula* belongs to the applicant/accused.

4. While taking into consideration the aforesaid factual position, when the name of the applicant/accused was not in the FIR, and he was nominated in the present case lateron, after the considerable delay on 04.06.2020 and at the same time, the alleged recovery of recovery of tractor alongwith *traula* filled with the illegal sand has already been effected, for which no custodial interrogation is required; alongwith the fact that the applicant/accused was not arrested at the spot and that there are no chances of tampering of prosecution evidence and no possibility of the applicant/accused to flee from justice, therefore, in the event of arrest of applicant/accused in the case in hand, he shall be released on interim bail to the satisfaction of Arresting Officer/Investigating Officer. The applicant/accused shall comply with the provisions of section 438 (2) Cr.P.C and he shall join the investigation pertaining to the case in hand on or before 03.08.2020.

5. Now to come up on 03.08.2020 for further proceedings and consideration. Anything said in this order shall not affect the merits of the main trial in any manner. File be put up before the learned Sessions Judge, Ferozepur, for the purpose of entrustment on 23.07.2020.

Pronounced in open Court.
Dated: 21.07.2020
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Sd/- (Sachin Sharma)
Addl. Sessions Judge,
Ferozepur(Duty)