

In the Court of Sachin Sharma, Addl. Sessions Judge, Kapurthala

CNR No.PBKP01-003801-2018

BA No.1410 of 30.07.2018

Dated of Order: 01.08.2018

1. Amrik Singh, s/o Joginder Singh;
2. Harnoop Singh, s/o Karamjit Singh, both r/o Village Pandher, Tehsil Nakodar, PS Sadar, Jalandhar Rural, Jalandhar.

.... Applicants/Accused.

Versus.

State of Punjab.

... Respondent

FIR No.84 of 26.07.2018,
U/s 379 of IPC &
Section 21(1) Mines & Minerals (Development and Regulation)
Act,
P.S. Sadar, Kapurthala.

(Application for bail under Section 439 of Cr.P.C.)

Present: Sh.J.S.Kahlon, Adv., counsel for the applicants/ accused.
Sh.Arvind Sahai, Addl. PP for the State.

O R D E R

The present bail application has been moved by above named applicants/accused under *Section 439 of Cr.P.C.*, pertaining to criminal case registered vide FIR No.84 of 26.07.2018, as stated above.

2. Brief facts of the present case are that on 26.07.2018, present

applicants/accused were apprehended by the police along with tractors annexed with trolleys filled with illegal sand.

3. Upon notice, learned Public Prosecutor for the State appeared. Police Record of the case has also been summoned.

4. I have heard learned counsel for the applicants/ accused, Addl. PP for the State and have gone through the record pertaining to this bail application, including police record, with their able assistance.

5. It is vehemently contended by the learned counsel for the applicants/accused that they have been falsely implicated in the present case. It is further contended that the applicants/accused are in judicial custody since 26.07.2018. With these arguments, he prayed that the applicants/accused may be released on regular bail.

6. On the other hand, learned Addl.PP for the State has vehemently and strongly opposed the bail application and argued that there are serious allegations against the applicants/accused in the present case and as such, applicants/accused are not entitled to the concession of bail. With these arguments, he prayed for dismissal of the bail application.

7. While taking into consideration the aforesaid facts & circumstances, when admittedly, the applicants/accused are in judicial custody 26.07.2018 and recovery in the present case has already been effected. Moreover, there are no chances that applicants/accused will tamper with the prosecution evidence or threatening the witnesses if released on bail. Therefore, without commenting on the merits of the case, they are entitled to the concession of bail. Accordingly, this bail application stands allowed and disposed of. Applicants/accused are

ordered to be released on bail to the satisfaction of the Area/ Duty Magistrate on the condition that they shall surrender their passports before the court at the time of furnishing bail bonds. If they do not have any passport, they shall furnish their affidavits in this respect. Anything said in this order shall not affect the merits of the main trial in any manner. Police record be returned.

Pronounced in open Court.
Dated: 01.08.2018
Kaushal

(Sachin Sharma)
Addl.Sessions Judge,
Kapurthala.
UID No.PB0519