

**In the court of Ms. Palwinder Jit Kaur,  
Additional Sessions Judge, Hoshiarpur,  
UID No. PB0187**

CIS No. BA/1426 of 2023  
CNR No. PBH001004211-2023  
Date of institution: 29.5.2023  
Date of order: 31.05.2023.

Ravinder Singh alias Raminder Singh @ Ramninder Singh aged 62 years son of Nirmaljit Singh resident of village Beerampur, Tehsil and PS Garhshankar, Distt. Hoshiarpur.

.....Accused-applicant

Versus

**State of Punjab**

..... Respondent.

FIR No. 66 dated 19.05.2023  
U/s 21(1) of Mines and Minerals(Development &  
Regulation) Act, 1957  
P.S. Garhshankar Distt. Hoshiarpur

**(FIRST APPLICATION FOR ANTICIPATORY BAIL U/S 438 CR.PC)**

Present: Shri Sharanjit Singh, Advocate, for applicant-accused.  
Addl. PP for the State.

**ORDER:**

1. This order of mine shall dispose of an application filed by applicant/accused for grant of anticipatory bail in the above noted case.
2. As per case of prosecution, the present case was registered on the complaint moved by SDM-cum-Additional District Mining Officer, Garhshankar before the SHO PS Garhshankar. The contents of the complaint are that a complaint has been received in the office regarding illegal mining in the village Beerampur. Field staff was sent to the spot and they found that mining about 4.5 feet was done in

some filed by the owners namely Raminder Singh, Paramjit Singh, Ranjit Singh. Action be taken. On the basis of which present FIR was registered. Hence this bail application u/s 438 Cr.P.C.

3. The learned counsel for the applicant-accused has submitted that the applicant-accused has been falsely implicated whereas he is neither having any tractor trolley nor any JBC machine nor has done any mining as alleged in the FIR. The allegations leveled in the FIR are general and vague. The position of the fields of applicant is in existing as such since time immemorial. He has further contended that the custodial interrogation of the applicant-accused is not required in this case and he is ready to join investigation and prayed for release the applicant-accused on anticipatory bail.

4. On the other hand, learned Addl. PP for the State has opposed the bail application and prayed for dismissal of the same. IO ASI Ravinder Singh appeared and suffered statement that this is first anticipatory bail application filed by the applicant-accused. No such anticipatory bail application of the applicant has previously dismissed or pending in any court of competent jurisdiction. The accused is actively involved and owner of land from where mining is effected situated at village Birampur i.e. khasra no.126/122 situated in village Birampur.

5. I have heard the learned counsel for applicant-accused as well as learned Addl. PP for the State and have perused the record.

6. It is admitted fact that the applicant-accused is owner of the land from where the digging was done. It is allegation of the investigating agency that digging was being done beyond the permissible limits. Whereas, It is matter of trial whether digging of soil

was done beyond permissive limit or not. Therefore, without commenting upon merits of the case and keeping in view the facts and circumstances as above, it would be in the fitness of things that applicant-accused be directed to join investigation. Hence, the bail application in hand is allowed with direction that the applicant-accused shall join the investigation within 7 days from today and on his doing so, he shall be released on bail by the investigating officer/SHO concerned to his satisfaction. The present order is subject to the following conditions as envisaged under Section 438(2) Cr.PC.:-

- i. that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- ii. that the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii. that the applicant shall not leave the country without prior permission of the Court and shall surrender his passport, if any.

The prosecution shall have the right to approach this court in the event of non joining of the applicant-accused in the investigation as directed by this court. Police record be returned. For awaiting report of IO case is adjourned to 16.6.2023.

Announced in open Court:  
Dated: 31.05.2022.  
*Anil Kumar, JW*

(Palwinder Jit Kaur),  
Additional Sessions Judge  
Hoshiarpur/(UID No.PB0187).