

HARISH KUMAR VS STATE OF PUNJAB

Present: Sh.PS Ghuman, Advocate counsel for the bail applicants/accused
Sh.Pawanpreet Singh, Addl.Public Prosecutor for the respondent/
State.

1. This application under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail was filed by bail applicants/accused Harish Kumar, Pardeep Kumar and Manoj Kumar on 30.05.2024. Upon notice, respondent-State appeared and contested the bail application. Police record has been produced by ASI Onkar Singh.

2. Arguments heard. Record perused. In this case, FIR No.87 dated 26.10.2023, under Section 21(1) of Mines & Minerals Act, 1957, Police Station Hajipur, District Hoshiarpur, has been registered on the basis of application filed by Jatin Garg, Junior Engineer-cum-Mining Inspector, Dasuya, on the allegations that on 26.10.2023, he conducted checking in the area of villages Sariana and Sandhwal. Fresh mining was noticed near Baba Farid Stone Crasher in the area of village Sandhwal. The mining area was near railway track. Further fresh mining was noticed in the area of village Sariana. Request was made to register FIR against owners of the land from where the mining was done illegally.

3. After registration of the formal FIR, investigation of the case is being conducted. During investigation, revenue record of the land in question was obtained. The bail applicants being owners of the said land were nominated as accused in this case.

4. Through the present application, pre-arrest bail has been sought by the bail applicants/accused on the ground that they are not named in the FIR; false allegations have been levelled against them; the land in question is a

KHADD and as per notification dated 30.05.2019 issued by the Government of Punjab, it has been auctioned for mining; the bail applicants/accused have no concern or connection with the alleged mining; nothing is to be recovered from them and they are ready to join the investigation. However, these allegations have been denied by the respondent-State.

5. Perusal of police record reveals that the bail applicants/accused are not named in the FIR. They have been arrayed as accused on the allegations of illegal mining being owners of the land. Nothing is stated to be recovered from their possession. They are ready to join the investigation. Moreover, co-accused with similar allegations have already been released on interim bail, vide order dated 28.05.2024. Therefore, keeping in view the abovesaid facts and circumstances of the case, the bail applicants/accused are directed to join investigation within a period of one week and if they do so, they shall be admitted to interim bail on their furnishing a personal bond in the sum of `50,000/- with one surety of the like amount each, to the satisfaction of the arresting officer, subject to his complying with conditions imposed under Section 438 of the Code of Criminal Procedure. Police record be returned.

6. To come up on 01.07.2024 after compliance of this direction.

Long date is given due to ensuing summer vacation.

05.06.2024

Rupesh

(Dilbagh Singh Johal)
Sessions Judge, Hoshiarpur
UID No. PB0069