

Gurmeet Singh Vs. State
BA No. 2316 of 2017.
CNR No. PBFZ01-00-6147-2017

Present: Shri GS Gill Adv, counsel for applicant/accused Gurmeet Singh,
Shri Dalip Kumar, Addl. PP for the State.

Police file received.

2. Heard on bail application filed under section 438(i) Cr.P.C by applicant/accused Gurmeet Singh son of Kashmir Singh, in FIR No. 30 dated 04.05.2017, under section 379 IPC and section 21(3) of Mines and Minerals Act, Police Station Mallanwala.

3. Shri GS Gill Advocate has argued that accused was granted bail by the police. Challan was presented before the Learned Magistrate at Zira. However, in view of the fact that offence has been made triable by Special Judge/Addl. Sessions Judge and the sentence has also been enhanced, so applicant has apprehension of being sent to jail by Learned Magistrate, on his surrender. That applicant/accused be granted anticipatory bail.

4. Learned Addl. PP has stated that appropriate order be passed.

5. I have considered respective submissions and have gone through the record.

6. On 19.12.2017, HC Satnam Singh No.1606 made statement that applicant/accused was booked in this case for offence under section 21(3) of Mines and Minerals (Development and Regulation) Act and for no other offence. Accused was arrested and was bailed out by the police on 06.05.2017. Challan has also been presented against him in the court of Learned JMIC, Zira. That present application for grant of anticipatory bail is not maintainable and be dismissed. However, it is found that there has been an amendment in provisions of Mines and Minerals (Development and Regulation) Act, vide which the offence under section 21(3) of Mines and Minerals (Development and Regulation) Act is triable by Special Judge/Addl. Sessions Judge and sentence has also been enhanced to RI for 5 years. It is not mentioned in the Act that whether the offence is bailable or not, but in view of the provisions of Cr.P.C, punishment being more than 3 years RI, same is non-bailable. So, considering apprehension of applicant/accused that he may be sent to jail by Learned Magistrate, though he was granted bail by the police, considering the offence to be

bailable, it is considered appropriate to grant interim anticipatory bail to applicant/accused Gurmeet Singh, with a direction to surrender before the learned Trial/Duty Court, within 15 days, who will admit him to bail as per his/her satisfaction. Accused shall furnish his affidavit regarding compliance of this order on 25.01.2018, to further proceed in this case. Police file be returned.

Announced in open court.
Dt: 10.01.2018.
Mukesh Kakkar
Stenographer Gr-II.

(K.K. Goyal)
Additional Sessions Judge
Ferozepur.