

UID No.PB0086

***IN THE COURT OF SHRI AVTAR SINGH,
ADDITIONAL SESSIONS JUDGE, AMRITSAR,***

BAIL APPLICATION NO. : 1612 of 2018
CNR NO. : PBAS01-004530-2018
DATE OF INSTITUTION : 10.04.2018
DATE OF ORDER : 12.04.2018

STATE Vs Baljit Singh son of Joginder Singh, resident of Boparai

Baaj Singh, Amritsar

APPLICANT-ACCUSED

FIRST INFORMATION : 36 of dated 04.04.2018
REPORT NO.

UNDER SECTIONS : 21 of Mining and
Mineral Act, 1954,
13(A) Common Village
Act, 379/409 IPC

POLICE STATION : Lopoke, Amritsar

Ist Bail application under section 438 Cr.P.C for the grant
of anticipatory bail.

PRESENT:-Sh. Amandeep Singh Pahwa, Counsel for applicant-
accused

Sh. Sandeep Sharma, Addl.P.P. for the State.

ORDER

1. This order of mine shall dispose off present above-mentioned bail application filed by applicant-accused Baljit Singh, aforesaid, under section 438 Cr.P.C for the grant of anticipatory bail in the above-mentioned FIR.

2. Notice of present bail application was issued to State and upon notice, learned Additional Public Prosecutor appeared on behalf of State and contested the bail application. Police Record also produced.

3. Learned Additional Public Prosecutor for the State argued that there are specific allegations against the applicant-accused. The offence is serious in nature. Therefore, present bail application must be dismissed. HC Kuldeep Singh stated at bar that the Hon'ble Punjab & Haryana High Court, Chandigarh, gave the direction to register FIR against Baljit Singh Sarpanch. Therefore, the present bail application must be dismissed.

4. On the other hand, learned counsel for applicant-accused argued that the applicant-accused has been implicated in the false case. No complaint has been filed against the head man of the village by any

of the co-villagers that he was digging out the pond. Nothing is attributed to the applicant-accused. The applicant-accused is ready to join the investigation as and when required, therefore, the applicant-accused may be granted anticipatory bail.

5. From the submissions of learned Additional Public Prosecutor, learned counsel for the applicant-accused and from the perusal of the record it is clear that FIR in this case was registered on the basis of a complaint made by the District Development and Panchayat Officer, Amritsar to the Senior Superintendent of Police, Amritsar Rural bearing NO.DA/NTPL/360, dated 19.02.2018 against applicant-accused Baljit Singh Sarpanch of village Gram Panchayat Boparai Baj Singh that Baljit Singh Sarpanch alongwith some other persons dug pond on Panchayat land illegally without any sanction from the department. The allegations against the applicant-accused are serious in nature. Therefore, custodial interrogation of applicant may also be necessary for an effective investigation to elicit the various details pertaining to the offence which are in the exclusive knowledge of the applicant. If anticipatory bail is granted at this stage, I am of view that it may result in permanent loss of a source of valuable

information relating to a serious offence like this. The gravity of offence does not make out a case for grant of anticipatory bail. Consequently, application is dismissed. Let, the file be consigned to the record room.

PRONOUNCED IN OPEN COURT.

DATED : 12.04.2018

***(AVTAR SINGH)
ADDITIONAL SESSIONS JUDGE,
AMRITSAR
UID No.PB0086***

Naresh Kumar
Stenographer(Grade-II)