

IN THE COURT OF DR RAM KUMAR SINGLA,
UID NO.PB-0122,
ADDITIONAL SESSIONS JUDGE,
KAPURTHALA.

CNR No. PBKP010040492020



Case No. BA/1988/2020

Presented on : 08-10-2020
Registered on : 09-10-2020
Date of Order : 13.10.2020
Next date of hearing : 02.11.2020

1. Ravi, s/o Kalu @ Kala, aged about 28 years, r/o Shiv Colony, Near Govt. School, Mohalla Mehtabgarh, Police Station City, Kapurthala;
2. Gurharpreet Singh @ Preet, s/o Joginder Singh, aged about 27 years, r/o Bhandal Dona, Police Station Sadar, Kapurthala.

..... Applicants/accused

Versus

State of Punjab.

..... Respondent.

FIR No.0071 of 18.09.2020,
U/s 379 of Indian Penal Code and
Section 21(1) Mines and Minerals (Development and Regulation) Act,
1957,
Police Station – Dhilwan, District Kapurthala.

Application for bail under section 438 of Cr.P.C.

Present: Sh. Chandra Shekhar, Advocate, for applicants/accused, through video-conferencing.

Sh. Arvind Sahai, Addl. Public Prosecutor for the State.

O R D E R

The present bail application has been entertained being an urgent hearing while performing duty in the period of closure of courts

because of pandemic Covid-19.

2. Record perused. **Arguments have been heard** on the present bail application of above referred applicants in the aforesaid FIR bearing no.0071 of 18.09.2020.

3. Briefly the facts for disposal of the present bail application are that on 18.09.2020, on the basis of secret information about doing the illegal mining by the applicants Ravi and Gurharpreet Singh @ Preet, the recovery of tractor make Mahindra 555 DI Power Plus without registration number annexed with trolley filled with 17 MT of sand, which was driven by applicant Ravi and another tractor make Arjun 605-DI bearing registration No.PB-09-AH-7495 annexed with trolley filled with 16.5 MT sand, which was driven by applicant Gurharpreet Singh @ Preet, was effected, however, the applicants were allegedly managed to escape from the spot. The investigation agency further assessed the price of that 17 MT sand as Rs.1020/- and that of 16.5 MT as Rs.990/-. Aggrieved therefrom, both the applicants have sought their anticipatory bail.

4. The learned counsel for the applicants has argued that the applicants have been falsely implicated in the present case. The applicants were not arrested at the spot. Therefore, it is nothing to warrant custodial interrogation of the applicants. Applicants are ready to join the investigation proceedings which are formal in nature. Therefore, applicants are entitled to the concession of anticipatory bail.

5. The learned Addl.PP for the State has argued that in view of the gravity of offence, the applicants/ accused are not entitled to the concession of anticipatory bail and it is liable to be dismissed.

6. **Having heard** to their rival contentions and have gone through the file. Considering the aforesaid episode of crime and without commenting on the merits of the case, admittedly, the alleged recovery of alleged sand as collected by way of mining having the worth of Rs.2010/- has already been effected on the basis of secret information, however, the applicants were not arrested at the spot. However, both the tractor-trolley transporting along with that mined sand were also taken into police possession at the spot. Thereafter, to arrest the applicants is formal function of the remaining investigation. So, to this situation, the applicants have been held entitled to the concession of anticipatory bail.

7. Consequently, the present applicants/ accused are hereby directed to surrender before the Investigating/Arresting Officer **within a week from today** and on their surrendering, they will be admitted on interim bail on furnishing the bail bonds and surety bonds subject to the satisfaction of Arresting Officer. Failing to comply this order within that prescribed period by the applicants/ accused, this order shall stand vacated of interim bail to them. This order of interim bail to the applicants/accused is subject to the compliance of necessary provisions of Section 438 (2) of the Code of Criminal Procedure by applicants.

Let compliance report and further progress report qua that investigation proceedings be awaited for 02.11.2020.

Pronounced in open Court.

Dated: 13.10.2020

Kaushal

(Directly dictated on computer)

(Dr Ram Kumar Singla)

Addl. Sessions Judge,

Kapurthala(Duty).

UI Code – PB0122