

**IN THE COURT OF HARDIP SINGH
ADDITIONAL SESSIONS JUDGE
FEROZEPUR.**

CNR No.PBFZ0100-5234-2023

CIS No. BA/1989 of 2023

Date of Order: 18.08.2023

Bikramjeet Singh aged 35 years son of Balwinder Singh, resident of village Sodhi Nagar, Sher Khan Wala, Police Station Ghall Khurd, Tehsil and District Ferozepur.

... Applicant/Accused.

Versus

State of Punjab.

....Respondent

FIR No.10, dated 30.01.2023

U/s 379 IPC and 21 of Mines and Mineral

(Development and Regulations) Act, 1957

Police Station Mallanwala.

(Application for bail under Section 439 of Cr.P.C)

Present: Sh. H.D. Thakur, Advocate, counsel for applicant/
accused.

Sh. Amandeep Prinja, Additional Public Prosecutor for the
State.

O R D E R

1. Heard on the bail application filed by applicant/accused Bikramjeet Singh, under section 439 Cr.P.C in case bearing FIR No.10, dated 30.01.2023, under sections 379 IPC and 21 of Mines and Mineral (Development and Regulations) Act, 1957, Police Station Mallanwala.

2. Learned counsel for the applicant/accused has argued and contended that applicant/accused has been falsely implicated in this case. From the contents of the FIR, no offence is made out against the applicant/accused. There is no agricultural land or any other property in the name of the applicant/accused. Present FIR is the out come of the political rivalry in the village and the police in connivance with opposite party has named the present applicant/accused in the this case. The alleged recovery, has already been effected. Applicant/accused is in custody since 11.07.2023 and is no more required for further investigation. Hence, a prayer has been made for grant of regular bail.

3. Notice of the bail application was given to the State, through learned Additional Public Prosecutor for the State, who appeared and opposed the present bail application on the ground that the applicant/accused is specifically named in the FIR and the allegations against him are that he is indulged in illegal mining of sand. Moreover, there are three more FIRs against the applicant/accused. As such, the applicant/accused has committed a heinous crime. So, he does not deserves the concession of bail.

4. ASI Karnail Singh has appeared alongwith record and suffered a statement that this is the first regular bail application of applicant/accused. No such bail application has been filed before the

Hon'ble Punjab & Haryana High Court nor the same is pending in any superior court of law. In this case recovery of one tractor trolley loaded with sand has been effected and besides the present FIR, there are three more FIR against the applicant/accused.

5. Heard. Perusal of the file shows that initially, the FIR in this case was registered against unknown person on the basis of secret information that the applicant/accused alongwith co-accused are carrying on illegal mining in the area of village Changali Qadim. Lateron during investigation applicant/accused was arrested and recovery of one tractor trolley loaded with sand was effected. So, as per the facts of the case of prosecution, the FIR has been registered on the basis of secret information and no Mining Officer has been joined during investigation. Moreover, the recovery in this case has already been effected and nothing remains to be recovered from the applicant/accused. As far as the other FIRs against the applicant/accused are concerned, said FIRs have no link with the present FIR. So I deem it fit to grant concession of regular bail to the applicant/accused, as he is in custody since 11.07.2023 and investigating agency will take considerable time in presenting the challan and further conclusion of trial shall take time, therefore, no purpose will be served by further detaining the applicant/ accused behind bars. Accordingly,

the applicant/accused be released on regular bail, subject to furnishing of bail bonds in the sum of Rs. 50,000/- with one surety in the like amount before the learned Illaqa Magistrate/ Duty Magistrate, subject to its satisfaction. Accordingly, the present bail application stands allowed and disposed of. Anything said in this order shall not affect the merits of the main trial in any manner. Police record be returned. Bail file be consigned to the record room.

Announced in open Court.

Dated: 18.08.2023

Pritpal Singh

Stenographer Gr. II

Sd/-

(Hardip Singh)

Additional Sessions Judge,
Ferozepur.

UID No.PB0638