

Bhupinderjit Versus State. BA-1998 of 2020.
(CNR No.PBHO01-004712-2020).

“Application U/s 439 Cr.P.C for regular bail”.

Present: Shri M.L Rahanu, Counsel for applicant-accused.
Shri Satnam Singh, Additional PP for the State.

Applicant-accused Bhupinderjit is seeking regular bail in case FIR No.131 dated 15.9.2020 under Section 379 of IPC and Section 21 (1) of Mines and Mineral Development & Regulation Act, 1957, Police Station Chabbewal, Hoshiarpur. It is pleaded that applicant-accused is innocent and has been falsely implicated in this case. He was arrested on 15.9.2020 and is in custody since then. He undertook to abide by the terms of bail and prayed for releasing him on bail.

2. Upon notice, Learned Additional PP for State did not file reply, but orally opposed the bail application.

3. I have heard the arguments of Learned Counsel for applicant-accused as well as Learned Additional PP for the State and have perused the record carefully. Version of prosecution in brief is that on 15.9.2020, J.E Cum Mining Inspector Gagandeep Singh moved an application to SHO Police Station Chabbewal, District Hoshiarpur that on that day he was informed by ASI Kulwinder Singh, Police Station Chabbewal on telephone that they have apprehended one tractor-trolley make Sonalika DI-35 of blue colour without registration number loaded with sand near School of Village

Patti. On asking, accused disclosed his name as Bhupinderjit son of Kabal Singh of Village Patti, P.S Chabbewal, District Hoshiarpur. On this information, Mining Inspector reached near Harian Belan Gurudwara and demanded documents from the accused but he could not produce any legal documents regarding mining. Accordingly, case was registered and accused was arrested. Other formalities were completed.

4. The recovery in this case has already been effected. The applicant-accused is in custody since his arrest i.e. 15.9.2020. No useful purpose will be served by detaining the applicant-accused in custody. The presentation and conclusion of trial will take long time. In these circumstances, the applicant-accused Bhupinderjit is ordered to be released on bail on his furnishing personal bail bonds in the sum of Rs.40,000/- with one surety of the like amount to the satisfaction of Ilqa/Duty Magistrate, with conditions that he shall appear in the court on each and every date of hearing, he will not leave India without prior permission of the court and that he shall not tamper with evidence of prosecution. Record be returned and bail application be consigned to record room, after its completion.

Announced in open Court:
Dated: 22nd September, 2020.
'Gautam Manocha, JW (SG)'

(Sandeep Kumar Singla),
(D) Judge, Special Court/Hoshiarpur.
(UID No.PB-0118).