IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-19183 of 2018
Date of Decision: 11.05.2018

Sukhdev Singh ....Petitioner

VERSUS

State of Punjab ....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Monty Goyal, Advocate
for the petitioner.

****

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.20 dated 20.03.2018 registered for offences punishable under Sections 379 and 511 of Indian Penal Code (for short, "IPC") and 21 of the Mining Act, at Police Station Koom Kalan, District Ludhiana.

Heard.

Notice of motion.

On asking of the court, Ms. Monika Jalota, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

As per case of prosecution, the petitioner was arrested on 20.03.2018 alongwith tractor-trolley carrying sand, which was illegally mined by him.

Learned State counsel submits that the petitioner is facing trial in other two similar cases while in one case he has been convicted.

Jitender Kumar
2018.05.14 10:15
I attest to the accuracy and
integrity of this document
Chandigarh

Learned counsel for the petitioner submits that no sand was recovered from the petitioner and even if this fact be believed that petitioner was apprehended with a trolley filled with sand, there is no evidence that sand recovered from petitioner was illegally mined.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Sukhdev Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

(a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.

(b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

(c) He shall not leave the country without the previous permission of the Court.

May 11, 2018 **(SURINDER GUPTA)**
jk **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

Jitender Kumar
2018.05.14 10:15
I attest to the accuracy and
integrity of this document
Chandigarh