

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-34360 of 2018
Date of Decision: 16.08.2018

Yogesh Kumar

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Surinder Thakur, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

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. 109 dated 19.07.2018 registered for the offences punishable under Sections 21 (1) of Mines and Minerals (Development and Regulation) Act 1957 and 379 of Indian Penal Code (for short, "IPC") at Police Station Sadar Hoshiarpur, District Hoshiarpur.

Heard.

Learned State counsel on instructions from ASI Jasvir Singh submits that petitioner was apprehended while he was transporting sand on his tractor-trolley without any licence or permit. It was illegally mined sand from the area of village Manjhi. The petitioner was arrested on 18.07.2018. Recovery has been effected from him and the case is still under investigation.

Without expressing any opinion on merits of the case and keeping in view the fact that completion of investigation, presentation of

challan and then conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Yogesh Kumar 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

August 16, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No