

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No. 34253 of 2017

DATE OF DECISION :- January 10, 2018

Buta Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. M.S. Kathuria, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

This petition for pre arrest bail has been filed by the petitioner Buta Singh, an accused in F.I.R. No. 205 dated 27.08.2017 for offence under Section 379 IPC and 21 of Mining Act registered at Police Station Meharban, District Ludhiana on the allegations that he had been illegally mining the sand out of Satluj river and taking it away in his Swaraj Tractor of red colour for the purpose of sale. The F.I.R was registered on the basis of secret information.

Apprehending his arrest, he had approached the Court of Sessions for grant of pre arrest bail but his such petition was dismissed by the Additional Sessions Judge, Ludhiana vide order dated 6.9.2017, as such he has approached this Court praying for grant of similar relief. This petition is being opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has contended that petitioner was not apprehended by the police at the spot and he does not have any tractor or trolly used for removal of sand and further he has joined the investigation and no

recovery is to be effected from him. Whereas, according to learned State counsel, the petitioner is habitual of indulging in such type of acts and inasmuch as he is involved in several other similar cases as detailed below :-

- (i) F.I.R. No. 120 dated 23/07/2017, under Section 21 Mines and Mineral Act 1957 and under Section 379 IPC, P.S. Meharbaan, Ludhiana (convicted on 23.12.2014 by the trial Court).
- (ii) F.I.R. No. 112 dated 5.8.2014 under Section 21 Mines and Mineral Act 1957 and Under Section 379 IPC, P.S. Meharbaan, Ludhiana (convicted on 9.4.2015 by the trial Court).
- (iii) F.I.R. No. 65 dated 7.5.2016 under Section 21 Mines and Mineral Act 1957 and under Section 379 IPC, P.S. Meharbaan, Ludhiana (acquitted on 12.5.2017 by the trial Court).
- (iv) F.I.R. No. 132 of 2015, under Section 21 Mines and Mineral Act 1957 and Under Section 379 IPC, P.S. Meharbaan, Ludhiana (pending for trial in the trial Court for 13.12.2017).

As regards the Tractor trolly, learned State counsel submits that there is affidavit of one Jasbir Singh that the petitioner had sold his tractor trolly to him on 18.8.2017. He has contended that though the petitioner has joined the investigation. The recovery has been effected from the spot. Since on spotting the police party, the petitioner had ran away, his custodial interrogation is necessary.

After hearing the rival contentions, I find that the petitioner is specifically named in the F.I.R. and he is involved in similar other cases showing that he is a habitual offender indulging in such type of acts, therefore, he is not entitled to discretionary relief of pre arrest bail.

The petition stands dismissed.

(H.S. MADAN)
JUDGE

January 10, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No