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

CRM-M No.4061 of 2018

Date of Decision: 06.02.2018

BHAJAN SINGH

.....Petitioner

Vs

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Manuj Chadha, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.07 dated 05.01.2018, registered under Section 21 of the Mines Act and Section 379 IPC at Police Station Meharban District Ludhiana, Punjab.

FIR was registered against the petitioner and co-accused namely Harwinder Singh @ Hinda, Gurpreet Singh @ Gopi, Kuldeep Singh, Manna Singh and Sajan Singh in the context of alleged mining of sand illegally from the bank of Sutlej River in village Jamalpur Leli.

Learned counsel for the petitioner submitted that cognizance of the offence in question could only be taken by the Court on the complaint in writing made by the person authorised

by the Central Government or the State Government.

Learned counsel further submitted that co-accused Kuldeep Singh has already been granted regular bail by the Court of Sessions on 18.01.2018. The other co-accused namely Gurpreet Singh @ Gopi, Sajan Singh and Manna Singh have also been granted interim bail by the Court of Sessions and in pursuance thereof, they have joined the investigation.

The statement of aforesaid fact has not been disputed by the learned State counsel on instructions from ASI Joginder Singh.

At this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since 05.01.2018 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 06, 2018

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No