

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

CRM-M-8244-2020

Date of decision:- 12.3.2020

Nardeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

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

Ms.Amarjit Kaur Khurana, DAG, Punjab.

H.S. MADAAN, J. (Oral)

This petition for grant of regular bail has been filed by petitioner – Nardeep Singh, an accused in FIR No.67 dated 7.8.2019, under Sections 186, 353, 427, 506, 148, 149, 379 IPC(Section 307 IPC added later on) and Section 21 of Mines and Minerals (regulation of Development) Act, 1957, registered with Police Station Ladhuwal, District Police Commissionerate, Ludhiana.

Briefly stated, facts of the case as per prosecution story are that Sh.Balwinder Singh – SDO - cum - Assistant District Mining and

Mining Inspector had submitted a written complaint at Police Station Ladhuwal, Ludhiana stating therein that he along with other officials had gone to village Kharak Nurpur Bet, Ludhiana in an official vehicle for checking illegal mining; when they reached there, they saw that seven tractor trolleys loaded with sand were standing at the spot; they clicked the photographs of those tractor trolleys; Sham Singh Daudhariya and his associates along with the drivers of the tractor trolleys armed with iron rods and sharp edged weapons attacked them, raising lalkara that if they came to the spot again, then they would be killed. According to the complainant Balwinder Singh, SDO, he and other officials accompanying him received injuries, therefore necessary action be taken.

On the basis of such complaint, formal FIR No.67 dated 7.8.2019, under Sections 186, 353, 427, 506, 148, 149, 379 IPC and Section 21 of Mines and Minerals (regulation of Development) Act, 1957 was registered with Police Station Ladhuwal. Subsequently, offence under Section 307 IPC was also added. Accused were arrested in this case. The petitioner had approached the Court of Sessions and moved an application for grant of regular bail but the same was dismissed by Additional Sessions Judge, Ludhiana vide order dated 21.12.2019, as such he has approached this Court for similar prayer, which is being resisted by the State counsel.

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

The petitioner is not named in the FIR. No specific part in the form of causing injury to any of the public servant is attributed to him. As

per the custody certificate filed, the petitioner has undergone 4 months and 4 days of custody in this case. Although he is shown to be in custody in some other case. Some of the co-accused of petitioner, namely, Lakhvir Singh, Kishan Singh @ Raju and Charanjit Singh @ Channi are stated to have been granted benefit of regular bail.

Though the challan against the accused has been filed but charge has not been framed. The conclusion of the trial is likely to take some time. The guilt of the petitioner shall be determined during trial.

Under the circumstances, I find it proper and appropriate if concession of regular bail is granted to the petitioner.

Accordingly, the petition is allowed. The petitioner namely Nardeep Singh is ordered to be released on bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Ludhiana, on following conditions:

- (i) that he shall appear in the Court on each and every date of hearing;
- (ii) that he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) that he shall not leave India without prior permission of the Court; and
- (iv) that he shall surrender his passport and if he does not have passport then he shall furnish affidavit duly sworn in that regard.

In addition to that the trial Court may impose any term and

condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violate any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

12.3.2020
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No