

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

CRM-M No.13140 of 2020
Date of decision: 28th May, 2020

Sarabjit Singh @ Sabu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. B.S. Jaswal, Advocate for the petitioner.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Mr. H.S. Grewal, Addl. Advocate General, Punjab puts in appearance on behalf of the State on his own.

Petitioner Sarabjit Singh alias Sabu has moved this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.0068 dated 18.05.2018 under Sections 307, 379, 353, 186, 225, 506, 279, 148, 149 IPC and Section 21(1) of the Mines and Minerals Act, 1957 pertaining to Police Station Beas, District Amritsar.

The allegations in brief are that on receipt of secret information by the police that certain persons comprising of present petitioner Sarabjit Singh alias Sabbu along with co-accused non-applicants Bikramjit Singh alias Bikker, Jatinder Singh alias Bhito, Gurpreet Singh alias Gopi, Sarvan Singh, Bikramjit Singh alias Toli,

Harjinder Singh alias Jinder and some unknown persons were carrying on sand mining illegally from the Beas Canal and loading the same on tractor trolleys, the police laid a naka and informed the concerned authorities. When the tractor trolleys approached the naka, the police tried to stop them in the light of torch and it is alleged that the accused side tried to run the vehicles over the police who had a miraculous escape leading to registration of the present case.

Learned counsel for the petitioner Mr. B.S. Jaswal, Advocate inter alia contends that it is a non-injury case and that no specific role is attributed to the petitioner in commission of the offence and recovery, if any, has already been effected as per the own stand of the prosecution.

Learned State counsel Mr. H.S. Grewal, Addl. Advocate General, Punjab though has not displaced the facts canvassed before this Court but has vehemently opposed the grant of bail on the grounds that the accused who were duly armed have tried to intimidate and threaten the police who were trying to stop them from carrying on illegal mining in the area of river bank and therefore, their custodial interrogation is very much essential.

Going through the submissions of the two sides, admittedly recovery has already been effected on the spot. There is no specific role attributed to the petitioner in commission of the offence. Being a non-injury case, this Court is of the opinion that it would be a travesty of justice to send the petitioner in custody in the present case and his joining

the investigations would suffice the purpose. Accordingly, the petitioner is directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on his doing so he shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 28, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No