

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

CRM-M-24545-2020 (O&M)
Date of Decision:- 17.11.2020

Balkar Singh @ Bagga

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gursimranjit Singh, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No. 72 dated 13.6.2020 under Sections 379 IPC and Section 21 of Mines and Minerals (Regulation and Development) Act, 1957 at Police Station Meharban, District Ludhiana.
2. The allegations as per FIR is that a secret information was received to the effect that Bagga son of Hardeep Singh was committing theft of sand from Satluj river, village Churwal, Ludhiana with the help of his blue coloured Sonalika tractor-trolley and was proceeding towards village Dheri. Pursuant to receipt of the aforesaid information, the police went to the spot on 13.6.2020 itself where the police was able to spot the tractor-trolley but the driver of the tractor somehow managed to escape. The petitioner was later on arrested on 7.8.2020. The tractor which was seized by the police at the spot was found to be registered in the name of the petitioner.

3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case he was never arrested at the spot and as such, cannot be connected with the alleged theft.
4. Opposing the petition, the learned State counsel has submitted that since the tractor taken into possession by the police stands registered in the name of the petitioner, the complicity of the petitioner is clearly evident. The learned State counsel has, however, informed that the petitioner has been behind bars since the last more than 3 months and that challan already stands presented and that the petitioner is not involved in any other case.
5. Having regard to the facts and circumstances of the case, especially that the petitioner was not apprehended at the spot and has been behind bars since the last more than 3 months and challan stands presented, further detention of the petitioner will not serve any useful purpose.
6. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

17.11.2020

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No