

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

CRM-M-34138-2020 (O&M)

Date of decision: 28.10.2020

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. Vivek K. Thakur, Advocate for the petitioner.

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**H.S. MADAAN, J. (Oral)**

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Balwinder Singh, aged about 33 years, an accused in FIR No.106 dated 20.09.2020, for offences under Sections 379, 120-B of IPC and Section 21(1) of Mines and Minerals Act, 1957, registered with Police Station Begowal, District Kapurthala.

Briefly stated facts of the case as per prosecution version are that, on 20.09.2020, a police party from Police Station Begowal, District Kapurthala led by ASI Raghbir Singh was present at Adda Kukka Talwandi having laid a picket there, where the police party received a secret information that Lakhmir Singh @ Raju resident of Mandkuka having tractor Sonalika with trolley, Harmesh Singh @ Massey resident of that very village also having tractor trolley and Basant Singh resident

of Village Randhawa along with tractor trolley were stealing white sand from the Mand area and were taking the same in their tractor trollies for the purpose of selling that towards Begowal side. Balwinder Singh son of Surjit Singh, resident of Mand Ibrahimwal (present petitioner) was coming in a swift desire car white in colour, having registration No.PB32-L-6494 as an escort to see whether there was a police barrier. Such persons had been removing white sand in their tractor trollies for the purpose of sale on previous occasions also. The police party then intercepted the car which was being driven by Balwinder Singh accused, however, Balwinder Singh managed to escape. Three tractor trollies filled with sand were seized, however, their drivers managed to escape. Police Station was informed and formal FIR was registered.

Apprehending his arrest in this case, petitioner Balwinder had approached the Court of Sessions at Kapurthala, seeking pre-arrest bail. His such petition was assigned to Addl. Sessions Judge, Kapurthala, who vide order dated 13.10.2020, dismissed the same. Feeling aggrieved, the petitioner has knocked at the door of this Court, praying for grant of similar relief.

Notice of motion.

Mr. Amit Mehta, Sr. DAG, Punjab, accepts notice on behalf of the State and opposes the prayer made on behalf of the petitioner.

I have heard learned counsel for the parties besides going through the record.

The allegations against the petitioner are very grave and serious of heading and escorting the tractor trolleys carrying stolen sand

just to ensure that no police picket was there in the front. The connivance and involvement of Balwinder Singh in the whole transaction comes out to be there. He is specifically named in the FIR and registration number, make and colour of the car which he was found to be driving is also given in the FIR. According to the prosecution story, on observing the police party, Balwinder Singh alighted from the car and ran away. If Balwinder Singh had not committed any offence, there was no necessity of his running away from the spot on observing the police party. His such conduct goes to show guilty intention. Furthermore, the petitioner is stated to be involved in another similar case of illegal mining registered vide FIR No.103 of 2020 with Police Station Begowal, District Kapurthala; that goes to show that he is a habitual offender. The custodial interrogation of the petitioner is found to be necessary to unfold the complete story and to find out the involvement of other persons in the scam, the part played by each one of them etc. In case, the custodial interrogation of the petitioner is denied to the investigating agency that shall leave many gaps and loopholes, adversely affecting the investigation, which is uncalled for. Thus, keeping in view the totality of circumstances, no ground for grant of pre-arrest bail to the petitioner is made out. The petition so moved by him in that regard stands dismissed accordingly.

28.10.2020

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**(H.S. MADAAN)**  
**JUDGE**

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |