

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

CRM-M-37071 of 2020

Date of Decision: 18th November, 2020

Rachpal Singh @ Bali

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sandeep S. Majithia, Advocate and
Mr. Sylvester Stephen, Advocate for the petitioner.

Mr. Amit Mehta, Sr. DAG Punjab.

AVNEESH JHINGAN, J.(oral)

The matter has been taken up for hearing through video conferencing due to COVID-19 situation.

The present petition is filed aggrieved of an order dated 2.11.2020 whereby the bail petition was dismissed by the Additional Sessions Judge, Ludhiana.

The brief facts are that FIR No. 91 dated 29.8.2020 under Sections 379 IPC and Section 21 of Mining and Minerals Act, 1957 was registered at Police Station Laddowal, Ludhiana on a secret information that the petitioner was illegally mining sand out of the land at village Noorpur Bait-1, using JCB maching bearing Engine No.H00177368 April 2018 4DX. A raid was conducted. The JCB owned by the petitioner was found at the spot, however, as per the allegations the petitioner was able to flee the place and was later arrested.

Learned counsel for the petitioner submits that it is a case of false implication. It is very unlikely that the secret informer knew the engine number of the JCB. Moreover, the story is unbelievable on the account that the petitioner after fleeing the spot went to his place from

where he was arrested. Rather it is argued that the JCB was taken on contract for extraction of plinth from where the same was seized.

Learned State counsel submits that the petitionr is a habitual offender and is involved in 8 other similar FIRs. However, he is not in a position to dispute that the petitioner has been enlarged on bail in all the said cases.

Without making any observations on merits of the case, considering the facts and circumstances of the case that atleast prima-facie arguable points are involved in the present case, the petitioner is granted bail subject to furnishing bail and surety bond to the satisfaction of trial Court/Duty Magistrate concerned, provided his custody is not required in any other case.

18th November, 2020
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	No