

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

205

CRM-M-9290-2021

Decided on : 08.04.2021

Gurdev Singh and others

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Ms. Vikas Gupta, Advocate
for the petitioner(s).

Mr. Sidakmeet Singh Sandhu, AAG, Punjab
assisted by ASI Lakhwinder Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 11, dated 28.01.2021, under Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 379 IPC, registered at Police Station Sadar Patti, District Tarn Taran.

Learned counsel for the petitioners contends that the petitioners have been falsely and illegally implicated in the case in hand for allegedly extracting soil and thereafter transporting the same in different tractor-trollies. It has been submitted that in fact the soil which was being transported in the tractor-trollies was meant for laying the streets of the village and in which respect an application was also moved by one Jaswant Singh to the SSP concerned that the earth being transported in the tractor-trollies had been done on his asking and it had been dug from the land of his

nephew.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioners, on instructions from ASI Lakhwinder Singh, has apprised the Court that the challan stands presented in the case and the charges are likely to be framed on the next date of hearing. On a query being put to the learned State counsel as to whether the petitioners are involved in any other case of similar nature, he on instructions has replied in the negative.

Heard.

Having considered the submissions made by either side and keeping in view the fact that the petitioners have been behind bars admittedly since 28th January, 2021 and charges have not yet been framed, no useful purpose would be served in keeping the petitioners behind the bars, as the trial would take a long time to conclude. The petition as such is allowed and the petitioners are admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed herein shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

April 08, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*