

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

205

**CRM-M-19475-2021(O&M)
Decided on : 27.05.2021**

GURTINDER SINGH @ GURBHINDER SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)**

PRESENT: Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab
assisted by SI Sukhminder Singh.

MANJARI NEHRU KAUL, J. (Oral)

This is the 2nd petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner 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 of the IPC registered at Police Station Sadar Patti, District Tarn Taran.

Learned counsel for the petitioner contends that the petitioner has been falsely 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 SI Sukhminder Singh, has apprised the Court that the petitioner was one of the drivers of the tractor trollies which were transporting the soil. He has further apprised the Court that challan stands presented and charges are yet to be framed in the near future.

Heard.

Having considered the submissions made by either side and keeping in view the fact that the petitioner has 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

May 27, 2021

S.Sharma(syr)

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*