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

CRM-M-37313-2021

Date of decision-30.11.2021

Sukhdev Singh @ Sebu

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Raman Mohinder, Advocate for the petitioner.

Mr. A.S.Dhaliwal, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.76 dated 09.08.2021 registered under Section 379 Indian Penal Code, 1860 and Section 21 (3) Mines and Minerals (Regulation of Development) Act, 1957 at Police Station Mallanwala, District Ferozepur. The petitioner is in custody since his arrest on 09.08.2021.

The FIR was registered on the basis of secret information and the allegations as noticed by the learned Sessions Judge, Ferozepur in the order dated 27.08.2021 are as under:-

“Brief facts of the case are that on 09.08.2021, ASI Gurpreet Singh along with police party were on patrolling and when they reached near bus stand of village Markhai, secret informer gave secret information to ASI Gurpreet Singh that Sukhdev

Singh alias Sabbu is indulged in illegal mining of sale of sand and he is coming from village Lohka Khurd via Meehan Wala, Mehar Singh Wala and is going towards Zira on his tractor make HMT 5911 with trolley loaded with illegally excavated sand and if barricading is conducted, he can be apprehended. Considering the information to be credible, ruqa was sent. Accordingly, present FIR has been registered. Thereafter, barricading was conducted and accused was apprehended along with tractor trolley loaded with sand.”

Learned counsel for the petitioner contends that the investigation of the case is complete as the challan stands filed on 06.10.2021. According to him, after framing of charges on 28.10.2021, no prosecution witness has been examined so far out of total 07 witnesses. He submits that the trial is likely to consume some time, therefore, further custody of the petitioner may not be justified. He prays for bail.

On the other hand, learned State counsel assisted by ASI Gurdev Singh opposed the prayer on the ground that the petitioner has been specifically named in the FIR. However, it is not disputed by him that the investigation of the case is complete and after framing of charges on 28.10.2021, no prosecution witness has been examined.

Considering the above background and custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 09.08.2021. The material

witnesses are police officials and there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

30.11.2021
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No