

CRM-M-40369-2023 with
CRM-M-42509-2023

213+215

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

**CRM-M-40369-2023
Date of Decision: 03.10.2023**

Kala Singh @ Kala and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CRM-M-42509-2023

Harpreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amaninder Singh Sekhon, Advocate,
for the petitioner in CRM-M-40369-2023.

Mr. Sandeep Kumar Bokolia, Advocate
for the petitioner in CRM-M-42509-2023.

Mr. H.S. Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. Both petitions have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners and are being taken up together for final disposal with the consent of both the learned counsels for the petitioners, since both the petitions arise out of the same FIR bearing No.137 dated 25.07.2023, under Section 379 IPC and Section 21 of the Mines and Minerals (Regulation of Development) Act, 1957, registered at Police Station Sadar Faridkot, District Faridkot.

2. It has been submitted by both the learned counsels for the

petitioners that all the petitioners are in custody since 25.07.2023, which is almost 2 months and 9 days. They further submitted that the investigation of the case has already been completed and the challan has also been presented and now no recovery is to be effected from the petitioners. They also submitted that it is a case where the petitioners were apprehended along with two tractors and one poclain excavator machine and allegations were with regard to mining. They further submitted that the petitioners are neither owner of the tractors and poclain excavator machine nor they have anything to do with the mining process nor they are the owner of the land where the alleged illegal mining was going on. They submitted that the petitioners have been falsely implicated in the present case because of the political rivalry and apart from the above, all the petitioners have clean antecedents and are not involved in any other case and therefore, they may be considered for the grant of regular bail.

3. On the other hand, Mr. H.S. Sitta, learned Deputy Advocate General, Punjab has submitted that it is correct that all the petitioners are in custody since 25.07.2023 and the investigation of the case has already been completed and challan has also been presented before the competent Court. He further submitted that it is also correct that all the petitioners are not involved in any other case and are having clean antecedents.

4. I have heard the learned counsels for the parties.

5. The petitioners are in custody since 25.07.2023 and the investigation of the case has already been completed and challan has also been presented before the competent Court. All the petitioners are stated to be having clean antecedents and are not involved in any other case. The trial

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of the case may take long time and it is a specific case of the petitioners that due to political rivalry that the petitioners have been falsely implicated since they were not the owner of the tractors and poclain excavator machine and there is no evidence to connect the petitioners with the present offence. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid stage of the case where challan already stands presented and the fact that the petitioners have clean antecedents and the trial of the case may take long time, this Court deems it fit and proper to grant regular bail to all the petitioners.

6. Consequently, both the petitions are allowed and the petitioners are ordered to be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

03.10.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No