

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-1957-2024

Date of Decision: 19.3.2024

Satnam Singh alias Bittu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.143 dated 27.8.2022 registered for the offences punishable under Sections 307, 353, 186, 379, 427, 148, 149 IPC and Section 21 of Mines and Minerals (Development and Regulation) Act at Police Station Machhiwara, Police District Khanna, District Ludhiana.

2. The allegations in nutshell are that the persons named in the FIR along with some other unknown persons were doing illegal mining and on receiving the information on the night intervening 26/27.8.2022, the officials of the mining department raided the disclosed spot but they were attacked by the accused persons and one of them tried to run over his vehicle but the mining inspector Jasmeen Singh saved his life by entering into the fields. During investigation, name of the petitioner surfaced and he was arrested on 20.12.2023 and one tractor trolley was recovered from his

possession.

3. Counsel for the petitioner submits that the petitioner was not named in the FIR and later on, falsely implicated and arrested on 20.12.2023. It is further submitted that the accused who are named in the FIR were already granted regular bail and after completion of investigation, challan has been presented but it will take time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

4. Present petition is resisted by the State counsel who submits that the accused persons present at the spot tried to kill mining officer by crushing him under the tractor but the said officer saved himself by entering the fields. However, the State counsel has not disputed the fact that the petitioner was not named in the FIR and was arrested on 20.12.2023 and that the trial is at its initial stage and all the recoveries are already effected.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, the petitioner was not named in the FIR and named as accused on the basis of the disclosure statement made by co-accused. Subsequently, the petitioner was arrested on 20.12.2023 and is presently lodged in judicial custody. Recoveries in this case were effected by the police during investigation. On conclusion of investigation, challan stands presented but the trial is at its initial stage. As has been submitted by the counsel for the petitioner, no MLR is available on record to establish that at the time of occurrence, any official of the Mining Department sustained injuries. It is also brought to the notice of the Court that all the other accused named in the FIR are given concession of regular bail. In the given circumstances, no useful purpose is going to be served by keeping the

petitioner in custody for any further period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 19, 2024
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No