

CRM-M-25011-2024

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

CRM-M-25011-2024

Date of decision: 22.05.2024

Mahima Dass @ Shinda @ Mahima Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. SPS Aulakh, Advocate for the petitioner.

Mr. Kuljit Singh, Addl. A.G. Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking grant of regular bail in case having FIR No.143 dated 27.08.2022 under Sections 307, 353, 186, 379, 427, 148, 149 of IPC, and Section 21 of Mines and Minerals Act, 1957, registered at Police Station 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. On receiving the information, officials of the mining department raided the disclosed place in the night of 26/27.08.2022. But they were attacked by the accused persons and one of them tried to run over his vehicle on them, but the mining officer Jasmeen Singh saved himself by entering into the adjoining fields. The petitioner who was not specifically named in the FIR was arrested in this case and is in custody since 18.01.2024 as per the

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custody certificate.

3. Counsel for the petitioner submits that petitioner is falsely implicated in the present case and is in custody since 18.01.2024. It is further submitted that the recoveries in this case are already effected and on completion of investigation, challan stands presented but it will take time for trial to conclude. It is further submitted that other co-accused are already granted benefit of regular bail vide (Annexure P-2 to Annexure P-5).

4. The present petition is contested by the State counsel who submits that the accused persons tried to kill mining officer by crushing him under the tractor and at that time, the said tractor was driven by the present petitioner. However, the State counsel has not disputed the fact that petitioner was not specifically named in the FIR and was later on arrested and is in custody since 18.01.2024 and is not involved in any other criminal case and that the trial is at its initial stage. The State counsel has not disputed the fact that no medico legal report of any injured person is available on the record.

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

6. It appears that the present petitioner was not specifically named in the FIR and was later on arrested and is in custody 18.01.2024. Recoveries in this case were effected by the police during investigation. On completion of investigation, challan has been presented but trial is at its initial stage. As has been admitted by the State counsel, no MLR of any injured person is available on the record. It is also brought to the notice of

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the Court that all the accused persons 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.

22.05.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No