



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

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**CRM-M-59742-2024 (O&M)
Date of Decision: 23.01.2025**

Rajpal Singh Gill

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. L.S.Mann, Advocate for the petitioner.

Mr. Mohit Kapoor, Sr.DAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed, under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for seeking bail pending trial in FIR No. 170 dated 26.12.2023, registered under Section 21 of Mines & Minerals Act, 1957 and Section 379 of Indian Penal Code, 1860, at Police Station Meharban, District Ludhiana.

2. Allegations are that petitioner indulged in illegal mining in the area of about 32450 sq.ft. Depth of 11 ft. and removed 356950 cubic feet sand.

3. Contends that petitioner was arrested in the present case on 17.05.2024 and after remaining in custody for about 06 months, this Court granted interim bail on 04.12.2024. Further contends that in pursuance of the aforesaid order, he is regularly appearing before learned trial Court. Further contends that there is no allegation that petitioner is likely to misuse the



concession and; or hamper the proceedings in any manner.

4. *Per contra*, learned State Counsel, on instructions from quarter concerned, has acknowledged the above factual position and submits that petitioner has not misused the concession of interim bail till date.

5. Heard learned counsel for both the sides and perused the paper book.

6. This Court granted interim bail to the petitioner on 04.12.2024 in the following manner:-

“ Contends that petitioner is in custody since 17.05.2024 and after investigation, report under Section 173 of Cr.P.C. Has already been presented on 08.07.2024, but charges are yet to be considered.

Learned State counsel will verify the pendency of other cases against the petitioner.

Posted 23.01.2025.

In the meanwhile, petitioner be released on interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

7. Learned State counsel has duly acknowledged that petitioner is regularly appearing before learned trial Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession and; or hamper the proceedings in any manner. In such a scenario, sending the petitioner to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 04.12.2024, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).



10. The above observations be not construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is any misuse of concession by the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

23.01.2025

Harish Kumar

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No