



4.	37	25.02.2018	61-A-1-14 of Excise Act	Sadar Jagadhri, Distt. Yamuna Na- gar
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3. The facts and allegations are being taken from the translated copy of FIR annexed with the bail petition as Annexure P-1, which reads as follows:

“The copy of the application is as under. From: The Mining Officer, Mining and Geology, District Yamuna Nagar. To, The Station House Officer, Police Station City Yamuna Nagar. Memo No.Mining/Yamuna Nagar. Subject: Regarding taking legal action against the accused for issuing the E-ravana of ceased vehicles, registration No.HR-58-D-6044, HR-58-D-9218, HR-58-C-6436, HR-58-C-7129, HR-58-D-6644, HR-58-C-0757, HR-58-C-3451 and HR-58-C-0285. In respect of the above subject, you are informed that the office of the undersigned is situated in the office of District Industries Centre, Industrial Area, which falls under the jurisdiction of your police station. On 21.08.2024, the Deputy Superintendent of Police, Yamuna Nagar Sh. Rajesh Kumar alongwith his team had ceased vehicle registration No.HR-58-D-6044, HR-58-D-9218, HR-58-C-6436, HR-58-C-7129 near village Aurangabad, District Yamuna Nagar and the Station House Officer, Police station Radaur alongwith his team had ceased vehicle No.HR-58-D-6644, HR-58-C-0757, HR-58-C-3451 and HR-58-C-0285 for having been involved in the transportation of illegal minerals (without any E-ravana/bill). Thereafter by informing the Mining Department, the vehicle No.HR-58-D-6044, HR-58-D-9218, HR-58-C-6436 and HR-58-C-7129 were ceased in the Haryana State Enforcement Bureau, District Yamuna Nagar by Sh. Aman and handed over the same and the vehicles registration No.HR-58-D-6644, HR-58-C-0757, HR-58-C-3451 and HR-58-C-0285 were ceased by the Senior Mining Keeper Sh. Narayan Singh as per rules upon reaching the police station Radaur. It has come to the notice of this Department that even after ceasing all the above vehicles, their E-ravana have been issued, whereas all the vehicles are already ceased and parked in the concerned police stations. The information of the issued E-ravana is as under (copies enclosed). S.No.(1), Vehicle registration No.HR-58-D-6044, HR-58-D-9218, HR-58-D-6644, HR-58-C-0757, HR-58-C-3451 and HR-58-C-0285, Name and address of the issuing authority: M/s. Jyoti Stone Crusher (L-1084, District CharkhiDadri, (2) HR-58-C-6436, M/s. Maa Vaishno Devi Screening Plant (MDL-1090), Village Balgarh, District Yamuna Nagar (Mobile No.85699xxxx), copy enclosed, (3) HR-58-C-7129, M/s. Jai Lakshmi Minerals (MLD-1418), Village Mohiyudinpur, District Yamuna Nagar (Mobile No.99911xxxx and 98860xxxx), copy enclosed. Thus, in



view of the above, you are requested that inquiry be got conducted for issuing the E-ravana of the above vehicles, registration No.HR-58-D-6044, HR-58-D-9218, HR-58-C-6436, HR-58-C-7129, HR-58-D-6644, HR-58-C-0757, HR-58-C-3451 and HR-58-C-0285, despite having been ceased, strict legal action be taken against the accused persons, so that the illegal transportation of the minerals in District Yamuna Nagar can be fully restrained. Encl: As above. Sd/-Niranjan, Mining Officer, Mines and Geology Department, District Yamuna Nagar. Endst.No.Mining/Yamuna Nagar/3044-46 dated 23.08.2024. A copy of the above is forwarded to the following for information and necessary action: (1) Director General, Mines and Geology Department, Haryana, Panchkula. (2) Deputy Commissioner, Yamuna Nagar, (3) Superintendent of Police, Yamuna Nagar. Niranjan Mobile No.94163xxxx, Mining Officer, Mines and Geology Department, District Yamuna Nagar. At present, application No.9997 dated 27.08.2024 has been received at the Police station through post from the office of Superintendent of Police, Yamuna Nagar. From the contents of the application, upon finding a case under section 61, 318 (4), 338, 336 (3), 340 BNS to be made out, the FIR No.847 dated 29.08.2024 under section 61, 318 (4), 338, 336 (3), 340 BNS, Police station City Yamuna Nagar has been registered and the copies of the first information report have been prepared on the computer, which will be sent to the concerned officers through post. The entry in the record has been made as per law. The copy of the police file alongwith original application has been chalked up. Its further investigation will be conducted by Insp/SHO Jagdish Chander 562/RR. The entry in the record has been made as per law. This case has been registered in the presence of Insp/SHO Jagdish Chander 562/RR.”

4. Counsel for the petitioner submits that the trucks were plying under contract and e-rawanas challan were granted at delay due to flood in the area. He further submits on instructions that the petitioner declared all his assets, if State is legally entitled for recovery, they may do so from him in accordance with law. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“12- Role of the petitioner:

i) That with regard to the role of the petitioner in the present case it is



submitted that as per investigation conducted by the investigating agency till today it was revealed that the petitioner is partner of M/s Jai Luxmi Minerals Screening Plant and M/s Jai Luxmi Minerals Stone Crusher situated at Village Mohiyudeenpur, District Yamuna Nagar and also runs business of transport in the name of Kler Transport and New Kler Transport.

ii) That it was revealed that one Raj Yadav had participated in the installation of H.M.G.I.S. portal and therefore, the above said Raj Yadav was aware about the loopholes in the above said H.M.G.I.S. portal. A criminal case bearing FIR No. 68 dated 05.03.2024 u/s 420, 120-B of IPC was registered at P.S. Bilaspur against the above said Raj Yadav and therefore his services have been terminated. The above said Raj Yadav had friendly relations with accused Kartar Singh and therefore, the said Raj Yadav told the said loopholes of the portal to the said Kartar Singh and thereafter the said accused Kartar Singh in collusion with the petitioner and other co-accused started creating fictitious, e-rawanas showing the fictitious transactions of sale and purchase of mining minerals without actual transaction. The petitioner and his co-accused used to send the data of required e-rawana to the said Kartar Singh and thereafter, the said Kartar Singh used to create fictitious e-rawanas showing the purchase and sale of mining mineral without any actual transactions and thereafter used to send the e-rawana to the petitioner and his co-accused. In this regard, whatsapp chat from the mobile phone of above said accused Kartar Singh has been taken into the possession which shows the issuance of fake and fabricated e-rawanas pertaining to the above mentioned trucks belonging to the petitioner. The copy of above said whatsapp chats is attached here with for the kind perusal of this Hon'ble Court is Annexure R-13.

iii) That in the above said case, the above mentioned trucks loaded with mining minerals and without any bills and e-rawana were seized by the team consisting officials of police department and Mines and Zoology Department and later on while the above said vehicles were in the possession of mining department in the yard, the e-rawanas and bills pertaining to the said vehicles were got issued.

iv) That as per the record collected from the mining department, the petitioner got issued 2096 false, forged & fabricated e-rawanas from M/s Dhankhar Building Materials Supplier-Satnali, 493 false, forged & fabricated e-rawanas from M/s Jyoti Stone Crusher, 419 false, forged & fabricated e-rawanas from M/s R. K. Stone Crusher, Jhhajhhar, 8 false, forged & fabricated e-rawanas from M/s R. K. Trading Company, Jaitpur, 23 false, forged & fabricated e-rawanas from M/s Sawariya Minerals,



Charkhi-Dadri and thereby caused loss of Rs.2,20,59,536/-to the government and earned the said money in illegal manner.

v) The petitioner is party to the criminal conspiracy and in pursuance of said criminal conspiracy the petitioner and his co-accused used to make illegal material to be legal without payment of mining royalty to the state government and thereby caused loss to the tune of several crores to the government.

13. Requirement of custodial interrogation That in the facts & circumstances of the case, the custodial interrogation of the petitioner is necessary as the name and address of the persons indulged in the illegal business with the petitioner is to be ascertained so that the complete racket involved in the commission of offence may be apprehended. The recovery of the mobile phone, e-rawanas and the amount earned by the petitioner by the said illegal activities is to be recovered from the petitioner as the said mobile is necessary for the proper and effective investigation of the case.”

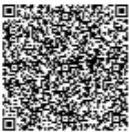
REASONING:

7. Petitioner has already declared all his assets, if there is any loss or fraud with the State, recovery qua the same could be made from the petitioner. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

8. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:



1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms.
12. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.
13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
14. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.
15. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.
16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the



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official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

18. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

11.03.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.