

**CRM-M-26526-2022**

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

**CRM-M-26526-2022.  
Decided on: August 9, 2022.**

**Krishan Kumar**

**.. Petitioner**

**VERSUS**

**State of Haryana**

**.. Respondent**

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

**PRESENT Mr. Sandeep Singh Jattan, Advocate,  
for the petitioner.**

**Mr.Kanwar Sanjiv Kumar, AAG, Haryana.**

**VINOD S. BHARDWAJ, J. (ORAL)**

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner in case FIR No.160 dated 14.08.2021, registered under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code, at Police Station Shahzadpur, District Ambala.

2 Instant FIR was registered on the complaint dated 10.08.2021 made by Bhupinder Singh, Mining Officer, Mines & Geological Department, Ambala, for getting released the seized vehicle/Sonalika tractor by its owner on the basis of fake/forged documents, without paying

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penalty/fine. It was alleged that on 22.12.2020, Sonalika 750-III tractor bearing engine no.NKL2TBE0256, chassis no.MZZDH91840853 was seized by Mining Officer Raj Kumar under the Mining Act/NGT Rules from the area of Begna river at village Kherki Manakpur-Manglore while it was being used for illegal mining. The said tractor was brought to the Police Station Shahzadpur, whereas its trailer loaded with sand could not be brought to the police station as the axle of trailer had been broken since the tractor-trailer was being driven rashly by its driver upon seeing the mining team. Later on, it was found that the said seized tractor was got released from the Police Station by its alleged owner Mohit s/o Suresh Kumar by showing a copy of alleged order dated 20.02.2021 of the Mining Officer or Department which was not bearing any number or signature of any Mining officer/authority Furthermore, it was found that vide office record/GRN No.00654337847 dated 01.07.2020, Krishan Kumar (petitioner) had deposited Rs.2,19,000/- in government treasury for the release of his seized vehicle/truck no.HR55-K-7133, but owner of said Sonalika tractor namely Mohit, in connivance with Krishan Kumar (petitioner) forged the said receipt/document bearing GRN No.00654337847 dated 01.07.2020, by changing its date as 20.02.2021. On the basis of said fake/forged documents, owner-Mohit had got released his tractor from the Police Station Shahzadpur, without paying fine/penalty of Rs.2,30,000/- to the Mining Department. Thus, the accused have cheated the police and Department and also caused revenue loss to the State Exchequer.

3                                      Learned counsel appearing on behalf of the petitioner

contends that the petitioner was arrested on 03.05.2022 and a disclosure statement is stated to have been recorded as per which the aforesaid tractor had been purchased by the petitioner from its registered owner Mohit on 09.12.2020. An affidavit in this regard was also sworn by the registered owner. However, the ownership of the tractor was not transferred in the record in favour of the petitioner. The signatures of Mohit are not denied or disputed by said Mohit. He further contends that investigation in the case is already complete and that final report stands filed. He further submits that it is a Magisterial trial and is likely to take long before its final determination.

4                      Mr. Kanwar Sanjiv Kumar, learned Asstt. Advocate General, Haryana, appearing on behalf of the respondent – State, contends that the petitioner had also forged a receipt pertaining to deposit of fine of Rs.2,30,000/- with the Department of Mining and Geology. He points out that one other case under the Excise Act read with the provisions of Sections 323, 148, 149, 186 and 506 IPC, had also been registered against the petitioner. It is, however, not disputed that the petitioner has already been granted the concession of regular bail in the said case.

5                      Taking into consideration the facts noticed above, stage of the investigation, the stage of the trial, the period of custody undergone by the petitioner and also the age of the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

6                      It is made clear that the petitioner shall not extend any

threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

7                                      The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

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| <b>August 9, 2022.</b>      | <b>(VINOD S. BHARDWAJ)</b> |
| <b>raj arora</b>            | <b>JUDGE</b>               |
| Whether speaking / reasoned | Yes / No                   |
| Whether reportable          | Yes / No                   |