

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

**CRM-M-52646-2023 (O&M)
Date of decision : 13.12.2023**

Mahtab Ali

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Mr. Kiran Pal Singh, A.A.G., Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.50 dated 10.02.2023, under Sections 420, 467, 468, 471 read with Section 120-B & 201 of the Indian Penal Code, 1860 [Section 21(1) of the Mining Act added later on], registered at Police Station, Badhra, District Charkhi Dadri.

(2) Above FIR was registered on the basis of complaint made by Mining Officer, Charkhi Dadri with the allegations that petitioner, who is

proprietor of M/s Flak Screening Plant, got issued bogus e-rawana bills from M/s S.R.Buildcon in order to legalize the illegal mining, conducted by his Firm, thereby caused huge loss to the State Exchequer.

(3) This Court, on 20.10.2023, granted interim bail to petitioner and the same reads as under:-

“Learned State counsel seeks time to file a short affidavit of some responsible officer in the matter.

Posted on 02.11.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

(4) Status Report by way of affidavit dated 31.10.2023 of Sh. Desh Raj, DSP, Badhra, District Charkhi Dadri has been filed. The same is taken on record. Learned State Counsel, while making reference to para 7 of the above affidavit and upon instructions from A.S.I. Ajeet, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(5) In view of above, interim order dated 20.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(6) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

- (7) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (8) Disposed off accordingly.
- (9) Pending application(s), if any, shall also stand disposed off.

December 13, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No