

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.219

Case No. : CRM-M-57982-2022

Date of Decision : April 18, 2023

Yudhbeer Kundu Petitioner
vs.
State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Keshav Partap Singh, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.204 dated 14.09.2022, under Sections 420, 467, 468, 471, 379, 120-B IPC, 1860 and Section 21(5) of Mining and Mineral Act, 1957, registered at Police Station Partap Nagar, District Yamuna Nagar.

Pursuant to order dated 10.01.2023 passed by this Court, Status Report on behalf of State of Haryana was filed, which was ordered to be taken on record.

As per the allegations, the complaint was sent by Mining Officer submitting therein that on 13.09.2022, he along with other Mining Inspectors, conducted the inspection of M/s Khalsa Screening Plant (MDL-383), Village Deodhar, Tehsil Partap Nagar, District Yamuna Nagar. They got conducted an inquiry from nearby areas, from where it came to their

knowledge that the said Screening Plant was lying closed for the last eight months but the said Plant was indulging in the sale and purchase of mines and minerals on E-Rawana Portal. Upon inquiry from E-Rawana Portal, it was found that since 23.07.2022, M/s JSM Food Pvt. Ltd. West had purchased mining material through total 171 E-Rawana but the said place/Ghat was also closed for mining.

A perusal of the Status Report placed on record on behalf of respondent-State shows that the allegations levelled against the petitioner, as detailed in paragraph 7 thereof, are as under :-

“7. That the petitioner/accused Yudhvir Kundu was arrested on 17-10-2022 and he was interrogated and disclosed that he has a screening plant in the name of Kundu Screening Plant in village Bailgarh and one stone crusher plant in the name of Rudra Stone Crusher in village Bailgarh. He had installed Rudra Stone Crusher in the year 2019, but he had no money to run the said stone crusher, so in the year 2020, he made Akbar s/o Ashraf as partner in the said stone crusher, having partnership of 60:40. Later, wife of his brother Tejbir had got registered a criminal case against his family members due to this he alongwith his family members had gone somewhere and in his absence, his partner Akbar and munshi Sandeep were looking after the affairs of said stone crusher and the ID/Password of the mining portal of the said stone crusher is in his name. His partner told him that they have good material at their stone crusher and they have need of purchase order on their portal. At that time, they came to know that

Desh Deepak s/o Ram Parkash is doing the work of selling forged purchase on mining portal, so they contacted Desh Deepak and got forged purchased order of about one thousand ton of Khalsa Screening Plant and with the help of these forged purchase, he alongwith Akbar sold illegal mining material of nearby area by showing it as legal and whichever profit they gained they divided it in equal share. The petitioner also disclosed that the mining portal of his Rudra Stone Crusher is looked after by his munshi Sandeep and he used to manage the one-line sale/purchase through laptop lying in the office and with the help of this laptop, they issued about 25 forged bills. The petitioner got recovered photocopy of agreement which was executed between petitioner and his partner Akbar, and also got recovered currency notes of Rs.15000/- and Laptop make HP. The petitioner also got identified the place at Rudra Stone Crusher, where he had prepared the fake on-line purchase and sold the illegal mining material by showing it as legal on the basis of said fake purchase bills.”

Learned counsel for the petitioner has submitted that the petitioner is not named in the FIR. He was named on the basis of disclosure statement of the co-accused. The petitioner has no concern with M/s Khalsa Screening Plant (MDL-383) and M/s JSM Foods Pvt. Ltd. As per allegations, the alleged sale and purchase of mineral and mines had taken place between them through 171 E-Ravana Portal. It has been further submitted that the investigation is already complete and challan has already been presented.

Learned State Counsel has opposed the petition by submitting that the petitioner, in connivance with co-accused, committed grave offence as he sold illegal mining material by showing it as legal and caused huge loss to the State exchequer.

Heard.

The petitioner is in custody since 17.10.2022. The case is triable by the Magistrate. The challan has already been presented. No useful purpose would be served by his further detention.

Accordingly, without discussing the merits of the case but keeping in view the fact that completion of trial may take a long time, the present petition is allowed and the petitioner is directed to be released on regular bail, on furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

April 18, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.