

**CRM-M-31448-2024****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****102****CRM-M-31448-2024****Date of Decision : July 30, 2024****TARUN****-PETITIONER****V/S****STATE OF HARYANA****-RESPONDENT****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Rajiv Kataria, Advocate with
Ms. Sushmeet Kaur, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in FIR No.68 dated 05.03.2024, under Sections 420, 467, 468, 471, 379, 120-B of the IPC, and, Section 21(1) of Mining Act, registered at P.S. Bilaspur, District Yamuna Nagar.

2. The case set up by the prosecution is that, a letter/complaint No. 3260-R dated 28.02.2024 from the Mining Department, Yamuna Nagar, was received in the Office of Superintendent of Police, Yamuna Nagar, wherein, it was alleged that, the Mining and Geology Department, Haryana had launched a new Portal 'HMGIS' on 25.12.2023 for stopping forged purchases of minerals. On 27.02.2024, while examining the new Portal, it became noticed by the authority concerned that forged permits No. 240223005755 and 240213005372 for boulders, gravels and sand in the name of M/s KCC Buildcon Pvt. Ltd. Company and permit No.240210005269 in the name of M/s

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S.R. Construction Company in respect of Village Dhanaura, Tehsil Bilaspur, District Yamuna Nagar were issued. Accordingly, a request was made to the addressee to investigate the matter and take appropriate action against the owners of the said firms. On the basis of this letter/complaint, initially the present FIR was registered under Sections 420 and 120-B of the IPC and during the course of investigation, other Sections were also subsequently incorporated therein.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONER

3. The learned counsel for the petitioner submits that neither the petitioner has been named in the present FIR, nor the investigating agency is seized of any cogent inculpatory evidence against the petitioner to connect him with the alleged crime. The petitioner has been arrayed as an accused merely on the basis of disclosure statement of co-accused Jagdeep Singh, at whose Screening Plant the petitioner was/is working as a Munish (Clerk). Moreover, even the said disclosure statement does not embody any incriminatory disclosure/material/evidence against the petitioner.

4. Concluding his arguments, the learned counsel for the petitioner submits that the petitioner is not a beneficiary of any of the transactions made by co-accused Jagdeep Singh and no recovery is to be effected from him. He also submits that petitioner has clean antecedents and his co-accused have already been granted the relief of regular bail.

SUBMISSIONS OF THE LEARNED STATE COUNSEL

5. *Per contra*, the learned State counsel vehemently opposes the grant of anticipatory bail to the petitioner, *inter alia* on the ground that, the role of the petitioner has surfaced not only in the disclosure statement of co-accused



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Jagdeep Singh, but also in the disclosure statement of the co-accused Deepak, who is the mastermind behind commission of the present offence.

ROLE OF THE PETITIONER (AS REVEALED IN THE REPLY FURNISHED BY THE LEARNED STATE COUNSEL)

6. The role of the petitioner, as surfaced during the course of investigation is that, co/main accused Deepak had trained the petitioner to generate fake e-rawanas from the portal concerned and on the basis of said fake e-rawanas, the petitioner converted the illegal mining material of four screening plants into legal mining material, thus causing huge loss to the State Exchequer. The relevant paragraph of the reply dated 16.07.2024, wherein becomes embodied the specific role of the petitioner, is reproduced hereunder:-

*“15. That with regard to the role of the petitioner in the present case, it is submitted that the **name of the petitioner was surfaced during investigation upon the disclosure statements of the accused Deepak and Jagdeep.** As per the investigation, it was found that the petitioner was working as Munshi (Clerk) with co-accused Jagdeep. The above said Jagdeep is running stone crushers in the name of "Jagdamba Stone Crusher" and "Nanak Stone Crusher" situated in Distt. Yamuna Nagar. During investigation, it was further revealed that the **accused Deepak trained the petitioner to generate fake e-rawana from the portal and on the basis of said fake e-rawanas, the petitioner converted illegal mining material of four screening plants i.e. "Bharat Screening Plant", "Sanid Screening Plant", "Guru Kirpa Screening Plant" and "Laxmi Screening Plant" into legal mining causing huge loss to the state exchequer.** It is further submitted that the **petitioner was working in close association with main accused Deepak....”***

REASONS FOR DISMISSING THE INSTANT PETITION

7. The *prima facie* inference, as becomes generated from the hereinabove discussed material is that, the petitioner along with his co-accused (al-



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ready arrested) and some of the officials of the mining department, played a specific and categoric role in tampering with the new 'HMIGS' portal, which was created by the government to stop illegal mining, thereby rendering futile the efforts of the government to curb the menace of illegal mining. In fact, the petitioner and his co-accused found loopholes in the e-rawana system and took undue advantage thereof, thus causing huge loss to the exchequer.

8. The disclosure statement of co/main accused Deepak, whose relevant portion is extracted hereinafter, clearly reflects that the petitioner had actively participated in commission of the present offence.

"....I and Naveen Soni met Tarun Munshi at Jagdeep Sandhu's plant, where using our HP LAPTOP, I taught Tarun Munshi to ADD different screening plants to the fake company created by us and cut e-ravana. And Jagdeep Sandhu had given Rs. 5 lakh of stock to me and Naveen Soni in cash from the shopkeeper of Subhash spare part shop Ballewala...."

9. For all the reasons (supra), especially taking into account the gravity of the offence committed, role played by the petitioner in commission of the offence and the fact that none of the accused has been granted the concession of anticipatory bail, this Court is not inclined to grant the extraordinary relief of anticipatory bail to the petitioner. Consequently, the instant petition is **dismissed**.

July 30, 2024
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(KULDEEP TIWARI)
JUDGE

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