



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

CRM-M-4008-2025

Date of Decision: 29.01.2025

Adesh Kumar and Anr.

...Petitioners

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. A.P.S Deol, Sr. Advocate with
Mr. Himmat Singh Deol, Advocate
for the petitioners.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the present petition under Section 483 of B.N.S.S with a prayer to grant regular bail to them in case FIR No. 522, dated 27.11.2024, registered under Sections 7 and 8 of Prevention of Corruption Act, Section 61(2), 303 of B.N.S. and under Section 21 of Mining Act, Police Station Chandimandir, District Panchkula (Annexure P-1).
2. The FIR in the present case was registered on the basis of a secret information and the same has been reproduced below:-

“To, SHO, Chandimandir, Panchkula, today I In-charge of Crime Branch 191 along with other police officials on vehicle HR 03GV-3545 was present in the patrolling in sector 25. That an informant visited and informed that Ram Sharan @ Chotu 9729407791 and Amardeep Mob.no. 07317000094, Adesh, Chhaja Singh, Romi Patiala etc do illegal mining with the officials of Chandimandir Police Station Chowki Sector 25, Ramgarh, Mauli and Police Station Pinjore and illegal mining money as bribe HGH Deepak

750 who also works in GYM. This Deepak takes money as bribe from the said persons from illegal mining for the officers of the police and gives it to the employees of the concerned police stations/outposts. In this regard, the above persons have also created a Whatsapp group for illegal mining. Through which information about illegal mining is exchanged. HGH Deepak 750 also chats or talk with the above through WhatsApp and HGH Deepak colludes with the newly posted police personnel to carry out illegal mining. Deepak takes money as a bribe from the above persons and gives it to the police officers of the respective outposts to get the government employees to do illegal mining. Deepak takes money as bribe and gives it to the police employees in place of illegal mining of the above persons. From the Special information Ramsharan, Amardeep, Adesh, Chhaja Singh, HGH Deepak 750 and police staff to issue a written report on the offence under Section 7, 8 Prevention of Crime Act, section 61 (2), 303 BNS, section 21 Mining Act. Case registered against them by ASI Ravinder I Pal 91/PKL.

3. Learned senior counsel have vehemently argued that the petitioners have been falsely implicated in the present case. In fact, both the petitioners never contacted HGH Deepak, main accused nor they had met him earlier. However, both the petitioners were wrongly arrested on 27.11.2024 and are in custody since then. He further contends that 03 co-accused namely Chajja Singh, Romi Patiala and HGH Deepak have already been granted the concession of interim anticipatory bail by this Court.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioners on the ground that 07 more FIRs of similar nature have been registered against the petitioner No.2, however, petitioner No.1 was never involved in any other case.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. It is not in dispute that the petitioners were arrested in the present case on 27.11.2024 and the petitioners can never be confined in jail for an indefinite period as the Hon'ble Supreme Court in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** has held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of ***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another 2012(1) R.C.R. (Criminal) 586***. Moreover, all the offences in the present case are triable by the Court of Magistrate. Apart from that, the investigation is almost complete and the conclusion of the trial may take quite a long time. Thus, further custody of the petitioners will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioners are ordered to be released on bail pending trial on their furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

29.01.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No