



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

215

CRM-M-18126-2025

Date of decision: May 1st, 2025

Chander Shekhar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Anshul Mangla, Advocate
for the petitioner.

Mr. Rajat Gautam, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail in FIR No.15 dated 16.04.2024 under Sections 420, 467, 468, 471, 120B of the IPC and Section 13(1) of The Prevention of Corruption Act, 1988, registered at Police Station Anti-Corruption Bureau, Gurugram.

2. The petitioner, who is seeking the concession of bail in the FIR in question, at the relevant time was serving as a Clerk in the Mining Department. On the previous date of hearing, learned counsel for the petitioner submitted that the petitioner was a low-ranking official with no authority to verify documents submitted by vehicle owners, nor was he competent to authorize the release of any seized vehicle. It was also contended that the petitioner had no role to play in the alleged fabrication of documents pertaining to vehicles confiscated on account of illegal mining, and that no specific act or overt involvement had been attributed to him in the FIR.

3. Pursuant to notice, the learned State counsel has filed reply

by way of affidavit of Deputy Superintendent of Police, Anti Corruption Bureau, Gurugram, which is taken on record subject to just exceptions. Copy thereof has been supplied to the counsel opposite. Learned State counsel, while vehemently opposing the prayer and submissions made by the counsel opposite, has drawn the attention of this Court to the detailed allegations set forth in the affidavit. It is submitted that the petitioner, in collusion with certain private individuals and other departmental officials, facilitated the illegal release of vehicles seized for illegal mining by processing forged tax invoices and fabricated affidavits submitted by vehicle owners. These vehicles were allegedly released upon payment of environmental compensation amounts significantly lower than those mandated under binding directives issued by the National Green Tribunal (NGT).

4. Learned State counsel has further submitted that such arbitrary and unauthorized exercise of administrative discretion, in blatant violation of established departmental protocols and regulatory norms, caused huge pecuniary loss to the public exchequer amounting to several lacs of rupees. It is additionally contended that a detailed preliminary inquiry conducted prior to registration of the FIR in question revealed a concerted and orchestrated scheme involving the petitioner and co-accused, whereby bogus documents were systematically created to circumvent the penalty regime prescribed by the NGT. The petitioner, it is alleged, played an active role in this process, thereby enabling the illegal release of vehicles and undermining regulatory enforcement mechanisms.

5. It is further urged that in light of the gravity of the allegations and the *prima facie* existence of a larger conspiracy,

custodial interrogation of the petitioner is necessary to unearth the full extent of the *modus operandi*, trace the money trail and examine the receipt of illegal gratification.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. This Court finds that serious and specific allegations have been made against the petitioner, a public servant, who is alleged to have abused his official position for extraneous considerations. The allegations, *inter alia*, involve the acceptance and processing of forged and unverified documents to facilitate the illegal release of vehicles engaged in illegal mining, in flagrant disregard of the binding directions issued by the NGT. There are also allegations that such releases were effected upon payment of nominal environmental compensation, resulting in considerable financial loss to the State.

8. Although it was also contended by the counsel for the petitioner that there was a delay in the registration of the FIR in question, however, the said contention does not merit acceptance at this stage. It is well-settled that in cases involving cognizable offences relating to public corruption, where the offence comes to light after a preliminary inquiry or fact-finding exercise, mere delay in the lodging of the FIR cannot constitute a ground for bail, especially when such delay stands reasonably explained.

9. Furthermore, this Court finds no merit in the submissions that the petitioner, being a Clerk, lacked the requisite authority to commit or facilitate the acts alleged. These are matters requiring detailed investigation. The material gathered during the preliminary inquiry, *prima facie*, suggests deviation from statutory norms, and the

role of the petitioner cannot be discounted outright.

10. The investigation is still at a nascent stage and requires unimpeded progress, including custodial interrogation of the petitioner, to unravel the entire conspiracy.

11. In view of the facts and circumstances as enumerated hereinabove, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner.

12. Accordingly, the instant petition stands dismissed.

13. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 1st, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No