



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

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CRM-M-27225-2025
Date of decision:05.09.2025

Gaurav Khajuria

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vipin Mahajan, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No.82 dated 28.09.2024 registered under Sections 318(4), 336(3), 340(2), 61(2), 111 of BNS 2023 and 21(1) of Mines and Mineral Acts, 1957, at Police Station Taragarh, Pathankot.

2. The aforementioned FIR was registered on the complaint lodged by Sunil Kumar, Junior Engineer-cum-Mining Officer alleging that on the night of 28.09.2024, checking of mining in the vicinity was being conducted as per instructions of Sub Division Officer, Kathua Malikpur. At about 01:40 A.M., three tippers were found stopped near the bridge of Kathlore (Pathankot). On demanding bills qua the material loaded on those tippers, the drivers of the vehicle could not produce the same. Those



vehicles were challaned. While the complainant was completing the process of issuing challans and made some online checking, he found some bills to be uploaded on the website to be fake and forged. After registration of the FIR, investigation proceedings were initiated and it was found that the vehicles were involved in illegal mining and taking minerals on the basis of forged and fabricated bills. Accused Saurav Saini and Gagandeep Sharma @ Prince were apprehended. They suffered disclosure statements on the basis of which the present petitioner was nominated as an accused. Whatsapp chats between the co-accused and the petitioner which had been exchanged on 27.09.2024 were also procured which revealed that all of them were involved in preparation of forged/fake bills of Mining Department and used to supply those bills to the owners of vehicles to cause loss to the government exchequer. These bills were created by using a fake/fabricated website which appeared like the original website of the Mining Department of the Punjab Government.

3. The petitioner was arrested on 17.04.2025. Co-accused Vikram Sharma was arrested on 18.04.2025, who too suffered a disclosure statement that he in connivance with the present petitioner had made a website looking like the original website of the Mining Department of the Punjab Government, had generated 'QR' codes and after preparing fake 'QR' code bills, had been gaining money. Those 'QR' bills were sent to different vehicle owners/drivers, who used to bring mining material. All this was done to cause wrongful loss to the State Government. The investigation has since been completed.



4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 17.04.2025. Trial will take considerable time to conclude. Subject offences are triable by the Magistrate. No recovery has been effected from him. The ingredients for commission of offence punishable under Section 111 and 336(3) of the BNS are not made out against him. His further incarceration would not serve any useful purpose. Co-accused Sanjeev has been extended benefit of pre-arrest bail. It is, therefore, urged that he too deserves to be released on bail.

5. Status report has been filed. Learned State counsel has argued that there are serious and specific allegations against the petitioner. He is a habitual offender. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. It is, therefore, urged that the petitioner does not deserve to be extended the benefit of bail.

6. This Court has heard the rival submissions made by learned counsel for the parties carefully.

7. The petitioner is alleged to have hatched a conspiracy with the co-accused in pursuance of which fake and forged mining 'Q' Form bills pertaining to the Mining Department were prepared which were provided to drivers/owners of different vehicles. Such bills were uploaded on the fake website of the State Government to cause wrongful financial loss to it and the petitioner had been gaining wrongful profits from him. The petitioner is stated to be involved in three more cases under the different provisions of Indian Penal Code. It is matter of trial as to whether the offences under Sections 111 and 336 IPC are made out in this case or not? He is in custody



since 17.04.2025. Investigation now stands concluded. The trial will take considerable time to conclude. No useful purpose would be served by keeping the petitioner in custody anymore. The subject offences are triable by the Magistrate. It is well settled proposition of law that bail is the rule and jail is an exception.

8. Keeping in view the above discussed facts but without meaning to make any comment on the merits of the case lest the same prejudice the trial, this Court is of the considered opinion that the petitioner deserves to be extended the benefit of bail. Accordingly the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal/surety bonds to the satisfaction of learned trial Court/learned Chief Judicial Magistrate/Duty Magistrate concerned.

9. It is, however, made clear that nothing stated hereinabove shall have any bearing on the merits of the case.

05.09.2025

harjeet

(MANISHA BATRA)
JUDGE

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