

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-63677-2024  
Reserved on: 04.02.2025  
Pronounced on: 14.02.2025

Desh Deepak ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Namit Khurana, Advocate  
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.  
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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                     | Sections                                                                                                                                |
|---------|------------|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 294     | 28.08.2024 | Bilaspur, District<br>Yamuna Nagar | 111(2), 316(2), 318(4), 336(3),<br>338, 340(2), 61(2) of BNS and<br>21 (4) of Mines and Minerals<br>(Development and Regulation)<br>Act |

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 22 of the bail petition and para 25 of reply, the accused has following criminal antecedents:-

| Sr. No. | FIR No. | Date       | Offenses                                                             | Police Station |
|---------|---------|------------|----------------------------------------------------------------------|----------------|
| 1.      | 389     | 10.10.2023 | 420, 120-B IPC                                                       | Bilaspur       |
| 2.      | 223     | 21.04.2016 | 20 of NDPS Act and 42 of<br>Prisoner Act                             | City Jagadhri  |
| 3.      | 466     | 22.04.2020 | 61 of Excise Act                                                     | City Jagadhri  |
| 4.      | 578     | 20.11.2013 | 420, 467, 468, 471, 120-B IPC<br>and 65, 66 of IT Act                | City Jagadhri  |
| 5.      | 203     | 14.09.2022 | 420, 467, 468, 471, 120-B IPC<br>and 21 of Mines and Minerals<br>Act | Khizrabad      |
| 6.      | 204     | 14.09.2022 | 420, 467, 468, 471, 120-B IPC                                        | Khizrabad      |
| 7.      | 232     | 19.10.2022 | 420, 120-B IPC and 66-B of<br>IT Act                                 | Khizrabad      |

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3. That in this regard, it is submitted that a letter/complaint  
No. SR/Mining/Yamunanagar/3037 dated 23.08.2024 moved by

*the mining officer Mines and Geology Department, Yamuna Nagar for legal action regarding misuse of H.M.G.I.S. portal was received from the office of the Superintendent of Police, Yamuna Nagar in the police station. Thereupon vide letters no.47781 and 47782 dated 27-08-2024 record was sought from Director General Mines and Geology Department, Haryana and on the basis of above said complaint/letter the above mentioned F.I.R. No. 294, dt. 28-08-2024, U/s 318 (4) of B.N.S was registered at Police Station Bilaspur, Distt. Yamunanagar. In this regard, the relevant portion of the contents of F.I.R. have been reproduced as under:-*

*From Mining officer, Mines and Geology Department, Yamuna Nagar to the Station House Officer, P.S. Charmant Yamuna Nagar. Memo No/Mining/Yamuna Nagar/3077 dated 23.08.2024. Subject: regarding misuse of HMGIS Portal and taking legal action in this regard. On the subject cited above, you are hereby informed that in this office, through a whatsapp bearing No.91164xxxxx, a complaint was received that MRK Trading company village Jaitpur District Yamuna Nagar (Project number 230806001153, Mobile No.85699xxxxx Email ID-vishl/vnr/989@gmail.com (copy attached), have been misusing the portal and issuing wrong e-rawana (dispatch), notices and the details are as under: (copies of the e-rawana notices are attached.”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He further prays for bail on the grounds of parity with co-accused Yogesh Kumar.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

*“23- Role of the petitioner That with regard to the role of the petitioner in the present case it is submitted that as per investigation conducted by the investigating agency till today it was revealed that the petitioner had close intimacy with accused Raj Kumar @ Raj Yadav and Kartar Singh. The petitioner and above said accused Raj Kumar @ Raj Yadav and Kartar Singh used to create fictitious e-rawanas showing the purchase and sale of mining mineral without any actual transactions and thereafter used to send the e-rawana to the co-accused Rohit and other accused i.e. owners of stone crushers and screening plant and in lieu thereof, the petitioner and above said Raj Kumar @ Raj Yadav and Kartar Singh used to charge handsome amount.”*

7. It shall be appropriate to mention para 5 and 6 of the bail petition, which reads as follows:

*“5. That the petitioner has been falsely implicated in instant case of inadmissible disclosure statement ex-facie marred by malice and envious attitude of the police/mining officials just to harass and humiliate by suppression of true and material facts as neither the petitioner is involved in present case nor had any*

*nexus/concern with the commission of crime. Furthermore, bare imputations are not corroborated by cogent material or record.*

*6. That the present FIR was got registered on basis of wrong facts wherein also no overt act is attributed to him. It is pertinent to mention here that by mere perusal of the FIR it is clear that the petitioner's name is not mentioned in the FIR. The petitioner has been falsely implicated in the present case as some of the firms involved in the mining wanted to have their monopoly in the business. His name has appeared in the disclosure statement of Co-accused which is not admissible in evidence."*

8. The explanation offered by the petitioner in the bail petition and as mentioned above is not prima facie satisfactory. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 19 of the bail petition, the petitioner has been in custody since 26.09.2024. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, case of the petitioner falls on parity with co-accused and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

|    |                                                                                                                                      |  |
|----|--------------------------------------------------------------------------------------------------------------------------------------|--|
| 1. | AADHAR number                                                                                                                        |  |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. |  |
| 3. | Mobile number (If available)                                                                                                         |  |
| 4. | E-Mail id (If available)                                                                                                             |  |

12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and

circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

14.02.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.