

CRM-M-12221-2025

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

CRM-M-12221-2025
Reserved on: 03.04.2025
Pronounced on: 28.04.2025

Raj Yadav (Raj Kumar Yadav)

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Varun Aryan Sharma, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
294	28.08.2024	Bilaspur, Yamuna Nagar	111(2), 316(2), 318(4), 336(3), 338, 340(2), 61(2) of BNS and 21 (4) of Mines and Minerals (Development and Regulation) Act 1959 added later on

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 BNSS seeking regular bail.

2. Per paragraph 17 of the bail petition as well as custody certificate dated 01.04.2025, the accused has the following criminal antecedents.

Sr. No.	FIR No.	Date	Offenses	Police Station
1	68	05.03.2024	120B, 379, 406, 420, 467, 468, 471 IPC	Bilaspur, Yamunanagar

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

“3..... 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:-

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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.9116423647, a complaint was received that MRK Trading company village Jaitpur District Yamuna Nagar (Project number 230806001153, Mobile No.8569991815 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.

<i>Sr. No.</i>	<i>Ravana (Dispatch) no.</i>	<i>Vehicle Registration no.</i>	<i>Merchant Name</i>	<i>Recipient's Name and address</i>
1.	RMDL24008756777	RJ07GE0990	M/s R.K. Trading Company	M/s Bhagat Singh Stone Crusher (L-1218) Village Belgarh, District Yamunanagar
2.	RMDL24008756874	RJ07GF2517	M/s R.K. Trading Company	M/s Bhagat Singh Stone Crusher (L-1218) Village Belgarh, District Yamunanagar
3.	RMDL24008756928	RJ44GA4161	M/s R.K. Trading Company	M/s Bhagat Singh Stone Crusher (L-1218) Village Belgarh, District Yamunanagar
4.	RMDL24008756962	RJ07GF5286	M/s R.K. Trading Company	M/s Bhagat Singh Stone Crusher (L-1218) Village Belgarh, District Yamunanagar
5.	RMDL24008756976	RJ07GF2291	M/s R.K. Trading Company	M/s Bhagat Singh Stone Crusher (L-1218) Village Belgarh, District Yamunanagar
6.	RMDL24008756990	RJ07GF1389	M/s R.K. Trading Company	M/s Bhagat Singh Stone Crusher (L-

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				1218) Village Belgarh, District Yamunanagar
7.	RMDL24008757030	RJ07GD6333	M/s R.K. Trading Company	M/s Bhagat Singh Stone Crusher (L-1218) Village Belgarh, District Yamunanagar
8.	RMDL24009527196	RJ07GD1109	M/s R.K. Trading Company	M/s Baba Rupdas Minerals, Village Bayal, District Mahendergarh
9.	RMDL24009527198	RJ07GD1941	M/s R.K. Trading Company	M/s Baba Rupdas Minerals, Village Bayal, District Mahendergarh
10.	RMDL24009527206	RJ07GF1048	M/s R.K. Trading Company	M/s Baba Rupdas Minerals, Village Bayal, District Mahendergarh

Besides above, you are informed that as per the report of the field staff, In fact, there is no unit working in the name and style of M/s R.K. Trading company village Jaitpur. However, still all the above units are engaged in the purchase and sale of the mining material, therefore, keeping in view of the above, you are required that action be taken against the accused, who are misusing the HMGIS Portal as in terms of the Mining Act 1957 and the provisions of BNS 2023 and they be implicated under various sections and action in accordance with law may be taken against them. DA/as above signed Niranjana Lal Mining officer, Mines and Geology, Yamuna Nagar.”

4. Petitioner seeks bail on parity with co-accused Kartar Singh, who was granted bail by this Court vide order dated 17.03.2025 passed in CRM-M-64773-2024. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

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:

“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 it was revealed that the petitioner had participated in the installation of H.M.G.I.S. portal and therefore, the petitioner was aware about the loopholes in the above said H.M.G.I.S. portal. A criminal case bearing FIR No. 68 dated 05.03.2024 u/s 420, 120-B of IPC was registered at P.S. Bilaspur against the petitioner and therefore his services have been terminated. The petitioner had close intimacy with accused Kartar Singh. The petitioner hatched criminal conspiracy with co-accused Kartar Singh for creating forged, fabricated and fictitious e-rawanas. As the petitioner and his co-accused Kartar Singh had minute knowledge regarding the loop holes of the portal of mining department therefore, the petitioner and his co-accused Kartar Singh created fictitious firms and also used the name and GST number of the closed and inoperative firms. The petitioner in criminal conspiracy with other accused used to create fictitious e-rawanas showing the purchase and sale of mining mineral without any actual transactions and in lieu thereof, the petitioner and the accused Kartar Singh used to charge handsome amount. It is also pertinent to mention here that the petitioner login on the HGMIS portal through his ID blobklog@gmail.com and after having access on the URL of the portal typed user report and gained knowledge about the OTPs of different persons. Thereafter, the petitioner used the said OTPs and by the ID of M.O., Narnol add stock of material in the name of Dhankar building material and the petitioner used to receive Rs.10/-per tone as commission for the said illegal work. Thus the petitioner is main accused, king pin of the offence and master mind behind the commission of present offence.”

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime, but considering the fact that co-accused have already been granted bail, petitioner is also entitled to bail on parity. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 15 of the bail petition, the petitioner has been in custody since 26.09.2024. As per custody certificate dated 01.04.2025, petitioner's custody in this case is 06 months & 01 day. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

8. 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.

9. 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

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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.

10. 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)	

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

12. 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.

13. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

28.04.2025.
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.