

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:069892



207

CRM-M-61557-2024
Date of decision:22.05.2025

Vazid @ Vijid

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Puneet Munjal, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. R.S. Rana, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed under Section Section 482 of the BNSS seeking grant of anticipatory bail to the petitioner in case arising out of FIR No.242, dated 06.12.2023, under Sections 420, 406 IPC, registered at Police Station Buria, District Yamuna Nagar.

2. The aforementioned FIR was registered on the basis of complaint lodged by the Mining Officer, Yamuna Nagar against M/s Golden Screening Plant (for short 'the Plant') situated at Village Tapur Majri on the allegations that the owner of this plant was found indulged in illegal purchase of minerals by misusing E-Rawana portal and against norms, minerals were shown to be purchased from Sonapat and Rohtak by this Plant. A show cause notice was also issued to the owner of the Plant calling upon him to deposit fine of Rs.24,11,500/-, but he had failed to do so. On

conducting further inquiry, loss to the tune of Rs.4,01,60,300/- was shown to have caused to the Mining Department by illegal mining of sand and illegal sale of different stone crushers. After registration of the FIR, investigation proceedings were initiated. Notices were issued to the owner of the plant seeking certain clarifications but he did not appear. Investigation is still under way. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Yamuna Nagar at Jagadhri vide order dated 27.09.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He had purchased M/s Golden Screening Plant only on 21.09.2023 and just four days thereafter i.e. on 25.09.2023, the Mining Department had issued notice to him by imposing penalty of Rs.24,11,500/- and thereafter, this FIR has been lodged. Offences as alleged to be committed by him have not been made out at all. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. The case is based on documentary evidence and all the relevant documents are already in possession of the Investigating Agency. With these broad submissions, it is urged that the petitioner deserves to be extended the benefit of pre-arrest bail.

4. Status report has been filed. It is argued by learned Deputy Advocate General, Haryana that there are serious allegations against the petitioner as being proprietor of M/s Golden Screening Plant, he had caused loss to the tune of Rs.4,01,60,300/- to the Mining Department by cheating it and by purchasing minerals from other districts and selling them in an illegal

manner by misusing E-Rawana portal and on the basis of wrong entries. It is submitted that for the purpose of conducting thorough and proper investigation in the matter, the custodial interrogation of the petitioner is must. No exceptional or extraordinary circumstance has even been made out against him for grant of pre-arrest bail and therefore, it is stressed that the petition does not deserve to be allowed.

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

6. The petitioner is alleged to have deceived the Mining Department by purchasing minerals from other districts and then selling them in an illegal manner though, it is not permissible as per rules. The case is at its nascent stage. For conducting proper investigation and deeper probe as well as for eliciting information as to the manner in which the crime had been committed by the petitioner, his custodial interrogation is must. Even otherwise, it is well settled preposition of law that powers under Section 482 of BNS are to be exercised in exceptional and extraordinary circumstances and no such circumstance has been made out in this case. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. The same is accordingly dismissed.

7. It is, however, clarified that nothing stated above shall have any bearing on the merits of the case.

(MANISHA BATRA)
JUDGE

22.05.2025

harjeet

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