

CRM-M-53797-2025

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

222(3)

Date of Decision 14.10.2025

(1) CRM-M-53797-2025 (O & M)

Jan Mohammad

... Petitioner

V/s

State of Haryana

...Respondent

(2) CRM-M-52327-2025 (O & M)

Ram Kumar then Consolidation Officer

... Petitioner

V/s

State of Haryana

...Respondent

(3) CRM-M-53094-2025 (O & M)

Akhtar Hussain

... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Bipan Ghai, Sr. Advocate,
with Mr. Nikhil Ghai, Advocate,
Mr. Joban Singh Dhaliwal, Advocate,
Ms. Malini Singh, Advocate and
for the petitioner(s) (in CRM-M-53797-2025).

Mr. P.S. Ahluwalia, Advocate with
Ms. Keerat Dhillon, Advocate,
for the petitioner(s) (in CRM-M Nos.52327 & 53094 of 2025).

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Mr. T.P. Singh, Sr. DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

This order shall dispose of three criminal miscellaneous petitions i.e. CRM-M-53797-2025, CRM-M-52327-2025 and CRM-M-53094-2025 as they arise out of the same FIR.

2. The petitioner-Jan Mohammad (in CRM-M-53797-2025), petitioner-Ram Kumar (in CRM-M-52327-2025) and petitioner-Akhtar Hussain (in CRM-M-53094-2025) seek the grant of regular bail under Section 483 of BNSS, 2023 in case bearing FIR No.18 dated 01.06.2025 under Sections 201, 318(2), 316(2), 61, 270, 329(3), 303 of BNS, 2023, Section 21 of the Mines and Minerals (Development and Regulations) Act, 1957, Section 15(1) of Environment (Protection) Act 1986, Section 19 of Punjab Land Preservation Act (PLPA) 1900) and Section 13 of the Prevention of Corruption Act, 1988 registered at Police Station Anti Corruption Bureau, District Gurugram.

3. For the sake of convenience, the facts are being taken from the petition bearing No. CRM-M-53797-2025.

4. The present FIR came to be registered on the directions issued by Chief Secretary, Haryana and reads as under:-

To The Station House Officer, Anti-Corruption Bureau, Gurugram Range, Gurugram. Subject: Request for lodging of First Information Report (FIR). Respected Sir, The undersigned



submits that in I.A. Nos. 269550, 269552, 269553 of 2025 in W.P. (C) No. 202 of 1995 titled as T.N. Godavarman Thirumulpad vs. Union of India and Others, the Hon'ble Supreme Court of India, while hearing the matter, directed on 19.03.2025 that the Central Empowered Committee (CEC), New Delhi (constituted by the Hon'ble Supreme Court of India) shall conduct an inquiry into the matter and submit its report within four weeks. Accordingly, the CEC submitted its report dated 15.04.2025 before the Hon'ble Supreme Court. The report contains a total of ten recommendations in paragraph 17, of which recommendation 17(iv) states that the State Vigilance Department, Haryana should conduct a joint investigation involving the Sarpanch, government officials, and mining mafia, regarding the construction of a road on forest department land falling within the limits of village Basai Meo, District Nuh, allegedly done in an unauthorized manner. The CEC recommended that the Government submit its report within 90 days.

The report dated 15.04.2025 submitted by the Central Empowered Committee before the Hon'ble Supreme Court forms the basis of this request. The relevant excerpt from the original report of the CEC is as follows:

"It has been observed that an illegal road has been constructed in village Basai Meo of Distt. Nuh connecting Firozpur Jhirka to the adjoining hilly regions of the State of Rajasthan without the requisite approvals from the government authorities. The involvement of the local Sarpanch, Mr. Hanif alias Hannah, along with certain government officials and the mining mafia, has resulted in violations of various laws, including the relevant MoEFCC Notifications and the provisions of the Punjab Land Preservation Act (PLPA), 1900, by constructing the illegal road

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without consulting or seeking approval from the Forest Department. It has also been observed that the newly constructed road connects three villages bordering Rajasthan-Chhapra, Dhaulet, and Naget-with Village Basai (Firozpur Jhirka, Haryana). This road cuts through both forest land and cultivable agricultural land. The construction appears to have been initiated by the Sarpanch in collusion with certain government officials, allegedly driven by personal financial interests. Given the proximity to mining areas near the Rajasthan border, this road is being misused to facilitate illegal mining activities and the transportation of illegally mined minerals, enabling the accumulation of wealth for personal gain. This road not only breaches established laws but also infringes upon the rights of local farmers. Their cultivable agricultural land has been unlawfully grabbed without any prior consultation or compensation. The illegally constructed road is in blatant violation of the Ministry of Environment, Forest and Climate Change Notification dated 07.05.1992 and the Punjab Land Preservation Act (PLPA), 1900. It was also constructed without obtaining the requisite clearance from the Forest Department. To facilitate the transport of illegally mined material, the aforesaid unauthorized road was constructed by damaging Forest Department plantations located in Village Basai Meo, as well as through areas notified under the Punjab Land Preservation Act (PLPA), 1900. The road in question was built without any prior approval from the Forest Department and in violation of the Forest (Conservation) Act, 1980 It was recommended by the Central Empowered Committee in Para No. 17 (iv) that "The State Vigilance Department shall investigate allegations of collusion between the Sarpanch, government officials, and the mining mafia and submit a report

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to the Government within 90 days, under intimation to the CEC and the MOEFCC" On which order number CFMS No. of the office of Hon'ble Chief Secretary, Haryana Government. DA/CS/SPL 57 Dated 16-05-2025 As per the letter No. 9873/1-2/0D(H) dated 28.05.2025 of the present Additional Director General of Corruption, Haryana Panchkula, orders have been given to prepare a written complaint and send it for approval for filing charges against the Sarpanch Gram Panchayat Basai Meva, Tehsil Ferozepur Jhirka, District Nuh Forest Department, Mining Department, Revenue Department, Consolidation Department and Government officers/employees and mining mafia. Apart from this, for filing charges against the Government officers/employees, orders have been given to prepare a written complaint and send it for approval. According to this, permission has been granted to Hanif @ Hanna, Sarpanch. Gram Panchayat Basai Meo, Tehsil Pharjapur Jarka, District Nuh, in connivance with the Government Officer/Employee of Forest Department, Mining Department, Revenue Department, Consolidation Department and mining mafia for illegally constructing a road on the land of Forest Department in the limits of village Basai Meo, District NUH. Hanif @ Hanna, Sarpanch Gram Panchayat Basai Meo, Tehsil Pharjapur Jarka, District Nuh in connivance with the Government Officer/Employee of Forest Department, Mining Department, Revenue Department, Consolidation Department and mining mafia and mining mafia is found to be involved in many such collusions under Section 201, 318(2), 316(2), 61, 270, 329(3), 303 of BNS, 2023 (r/w Section 420, 409, 120B, 268, 447, 379 IPC), Section 21 of The Mines and Minerals (Development and Regulation) Act, 1957, Section 15(1) of Environment (Protection) Act, 1986 and Section 19 of Punjab

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Land Preservation Act (PLPA), 1900. The draft written permission was sent to the Headquarters for seeking permission to file a case under Section ... The draft written permission was sent to the Headquarters for seeking permission to file a case under Section 270, 329(3), 303 of BNS, 2023. The draft written permission was sent to the Headquarters for seeking permission to file a case under Section 270, 329(3), 303 of the Mines and Minerals (Development and Regulation) Act, 1957, Section 15(1) of Environment (Protection) Act, 1986 and Section 19 of Punjab Land Preservation Act (PLPA), 1900. Hanah, Sarpanch Gram Panchayat Basai Meva, Tehsil Fazilpur Jharka District No., for filing charges against Government officer/employee of Forest Department, Mining Department, Revenue Department Consolidation Department and mining mafia and employee/officer of any other department as per the allegations, the complaint is being sent to EHC Finesh Kumar No. 1144/Hana of Rewari. The complaint should be filed and informed with the charge number. Special form of complaint should be sent to the area magistrate and higher officer through special carrier as per rules. Original complaint along with text of complaint should be sent to Shri Garv Faga, Deputy Police Officer, Gum for further investigation. sd Ashok Kumar (Ashk Kumar, H.P.S.) Deputy Police Officer, Corruption Officer, Gum Medal Gum Date 01.06.2025 AT-2.30 I'M Ajana - On the basis of the complaint, a case has been registered in the above mentioned area. The copy of the FIR has been prepared by CCTNS, which will be sent to the officers and area magistrates as per the rules. A copy of the FIR is being sent to the area magistrate in a personal form by e-mail. The copy of the case along with the original complaint is being sent to DSP Ashok

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Kumar for further investigation by EHC Dinesh Kumar No. 1144/ Rewari.

5. The learned Senior counsel for the petitioner-Jan Mohammad (in CRM-M-53797-2025) who was the then Consolidation Officer, the counsel for the petitioners-Ram Kumar (in CRM-M-52327-2025), the then Consolidation Officer and Akhtar Hussain (in CRM-M-53094-2025), the then Kanungo contend that the petitioners have been falsely implicated in the present case. No fresh construction of the roads has taken place. There are long standing litigations both civil and criminal regarding the roads and passages. The widening of the roads was ordered in terms of the Notification dated 10.01.2020 which took place in furtherance of consolidation proceedings implemented by the Gram Panchayat. As the petitioners are in custody since 27.06.2025 and 24.06.2025 respectively but none of the 104 prosecution witnesses have been examined so far, the Trial is not likely to be concluded anytime soon and therefore, they are entitled to the concession of bail.

6. The learned counsel for the State, on the other hand, has filed separate replies dated 10.10.2025 which are taken on record. While referring to the said replies, he contends that the petitioners being the Consolidation Officers and Kanungo posted in the area at the relevant time facilitated the construction of the illegal roads which were found running through the land of the farmers and that of the Forest Department in the Aravali Hills. The construction was permitted so as to facilitate illegal mining. Therefore, the petitioners are not entitled to the concession of bail.

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He, however, concedes that the petitioners are in custody since 27.06.2025 and 24.06.2025 respectively and none of the 104 prosecution witnesses has been examined so far.

7. I have heard the learned counsel for the parties.

8. The veracity of the prosecution case against the petitioners and their co-accused shall be adjudicated upon during the course of the Trial. They are stated to be in custody since 27.06.2025 and 24.06.2025 respectively but none of the 104 prosecution witnesses has been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioners is not required.

9. Thus, without commenting on the merits of the case, the present petitions are allowed and the petitioners, namely, Jan Mohammad (in CRM-M-53797-2025), Ram Kumar (in CRM-M-52327-2025) and Akhtar Hussain (in CRM-M-53094-2025) are ordered to be released on bail subject to their furnishing bail bonds and surety bonds each to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petition stands disposed of.

11. The pending application(s), if any, shall stand disposed of accordingly.

14. A photocopy of this order be placed on the files of the case connected cases bearing No.*CRM-M-52327-2025 tiled as 'Ram Kumar*

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then Consolidation Officer versus State of Haryana' and CRM-M-53094-2025 tiled as 'Akhtar Hussain versus State of Haryana'.

October 14, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No