

2025:PHHC:077587



220.

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

CRM-M-29544-2025

Date of decision: 01.07.2025

Mahavir Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vinod Ghai, Senior Advocate, with
Mr. Arnav Ghai, Advocate,
Ms. Kashish Sahni, Advocate, for the petitioner.

Mr. Sahil Chaudhary, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. This is second petition that has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner in case FIR No.30, dated 04.11.2024, under Sections 409, 379, 120-B of IPC, Section 21 of Mines and Mineral (Development and Regulation) Act, 2018 and Sections 13(1)A, 13(2) of Prevention of Corruption Act, registered at Police Station Vigilance Bureau, Ferozepur, District Ferozepur.

2. Learned senior counsel appearing for the petitioner has submitted that the petitioner has been falsely implicated in the present case. It is contended that firstly the petitioner is not a public servant and has been wrongly accused of engaging in illegal mining activities; no recovery has been effected from the petitioner in the course of investigation. It has been

further argued that the FIR in question has been registered after an inordinate and unexplained delay of nearly 6 years, as the original complaint dates back to the year 2019, while the FIR came to be registered only in 2024.

3. Learned senior counsel has further submitted that a Special Investigation Team (SIT) was constituted to probe the allegations. After a detailed inquiry, the SIT submitted its report dated 07.04.2025, recorded as rapat No.7 of the same date. As per the findings of the SIT, no offence under Sections 409 and 120-B of IPC or Section 13(1)(a) of the Prevention of Corruption Act was made out against the petitioner. These findings, as per learned senior counsel for the petitioner, are supported by documents which are annexed as Annexures P-3 and P-4. Learned senior counsel has lastly contended that the petitioner has been in custody since 09.11.2024 and after the charges were framed, not even a single prosecution witness out of 53 cited has been examined till date. Hence, the possibility of the trial concluding in the near future does not arise and furthermore, continued incarceration of the petitioner would serve no useful purpose.

4. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has, on instructions, submitted that the petitioner is alleged to have acted in collusion with officials of the Mining Department to facilitate and engage in illegal mining operations; the said activities caused a substantial loss to the State Exchequer to the tune of approximately Rs.4 crores. However, learned State counsel, on instructions, has fairly conceded that, pursuant to the

investigation conducted by the SIT, offences under Sections 409 and 120-B of IPC and Section 13(1)(a) of the Prevention of Corruption Act have been deleted in respect of the present petitioner and he has been charged only for offence under Section 379 of the IPC and under Section 21 of the Mines and Minerals Act. It has also not been disputed, on further instructions, that the petitioner is not involved in any other criminal case much less a case of identical nature.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. As not disputed the charges initially invoked under Sections 409 and 120-B of IPC and Section 13(1)(a) of Prevention of Corruption Act have been found not to be made out against the petitioner by the SIT after a comprehensive inquiry. The SIT report dated 07.04.2025 clearly exonerates the petitioner of offences involving criminal breach of trust and corruption, and this finding has not been disputed by the learned State counsel, on instructions.

7. The petitioner has been custody since 09.11.2024 and despite the filing of the e-challan and framing of charges under Section 379 of IPC and Section 21 of the Mines and Minerals Act, none of the prosecution witnesses have been examined as yet, thereby indicating that the trial is likely to take considerable time.

8. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner at this stage would not serve any

useful purpose. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

9. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

July 01, 2025
sanjeev

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