

Sr. No.204

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

CRM No. M-20491 of 2017 (O&M)

Date of Decision: 27.02.2018

Jasbir and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Bipan Ghai, Senior Advocate with
Mr. Deepanshu Mehta, Advocate,
for the petitioners.

Mr. Ashish Yadav, Additional A.G., Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioners seek concession of pre arrest bail in case
FIR No.196 dated 23.04.2017, under Sections 420, 467, 468, 471,
IPC and Section 11 of Central Sales Tax Act 1956, registered at
Police Station City Bahadurgarh, District Jhajjar.

While issuing notice of motion, the following order was
passed by this Court on 02.06.2017:-

“Heard.

***Learned counsel for the petitioners submits that
the allegations against the petitioners are relating to
submission of fake and false Form C. As it is a case
based on documentary evidence, the police can verify
the same even without taking the petitioners in
custody.***

Notice of motion for 7.9.2017.

In the meanwhile, the petitioners are directed to surrender before the police and join investigation within a week. In the event of their arrest being required, they shall be released on interim bail till the next date, subject to their furnishing bonds to the satisfaction of Arresting Officer. However, they shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which they shall lose the benefit of interim bail allowed to them.”

Learned State counsel upon instructions from ASI Bachhu Singh, Police Station City Bahadurgarh apprises the Court that the petitioners have since joined investigation.

That apart learned Senior counsel would submit that against the allegation of having submitted a number of forged forms C, the loss to the State exchequer has been taken as Rs.46 lacs approximately and an assessment order has been issued by the competent authority imposing penalties upon such amount and as per assessment order the total liability is Rs.02 crores 10 lacs.

Against the assessment order, petitioners are stated to have availed the statutory remedy of appeal which is pending.

State counsel has also informed the Court that the petitioners are in the process of depositing the outstanding amount along with penalty in installments.

The entire allegations are founded on documentary evidence.

Petitioners have concededly joined investigation.

In the considered view of this Court, it is a case where

custodial interrogation of the petitioners as such would not be warranted.

Prayer made in the petition is accepted.

Order dated 02.06.2017 passed by this Court is made absolute.

Disposed of.

27.02.2018

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No