IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.8550 of 2019 (O&M)
Decided on: 30.04.2019

Bintu Kumar Bansal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. A.P.S. Deol, Sr. Advocate with Mr. R.V.S. Chugh, Advocate for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.29 dated 01.02.2019 registered under Sections 420, 467, 468, 471 IPC at Police Station Sadar Jind, District Jind.

The operative part of the order dated 07.03.2019, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

> *"....Learned Senior counsel for the petitioner has submitted that the FIR was registered on the complaint given by the Excise and Taxation Commissioner, Haryana with the allegations that the tax assessment of the firm i.e. M/s. Navneet Ceramics Private Limited, pertaining to the year 2006-07 was done vide order dated 18.03.2010 and an audit objection was raised by the Accountant General (Audit) Haryana, Chandigarh that the total amount assessed is Rs.3,18,939/- with a penalty of Rs.9,55,017/- i.e. the total tax and further penalty of Rs.12,73,356/- was*

imposed for raising bogus C-Forms regarding the sale value of Rs.37,45,160/-. In the FIR, the description of 28 C-Forms issued by the authorized firms is also given.

Learned Senior counsel for the petitioner has further submitted that it is not disputed that the petitioner has supplied the goods to these firms and in lieu thereof, the C-Forms were issued, however, it is the case of the department that these C-Forms are bogus and in fact, these C-Forms were not issued for the transactions, which the petitioner's firm i.e. M/s. Navneet Ceramics Private Limited, has undertaken with these 28 firms and rather these were meant for some other transaction of different firms. It is further submitted that as per the FIR, the total outstanding amount of Rs.11,23,548/ will be deposited within a period of 01 month from today subject to his right to file an appeal and challenging the order of assessment. It is also submitted that as per Section 8(4) of the Central Sales Tax Act, 1956, it is provided that in the course of Inter-State trade or commerce, the dealer selling the goods furnishes to the prescribed authority in the prescribed manner a declaration, duly filled and signed by the registered dealer to whom the goods are sold containing the prescribed particulars in a prescribed form obtained from the prescribed authority. It is also submitted that C-Forms are, thus, issued by the department to the purchaser firm, who after giving the details of the sale furnish it to the firm, which is selling the goods.

Learned Senior counsel for the petitioner has, thus, submitted that the petitioner believing the C-Forms to be the correct form issued by the purchasing firms, have applied for the benefit of tax under the Act, though, it has been verified by the department that the petitioner has done the sale transaction with the aforesaid firm, however, it has not been verified in what circumstances, the C-

Forms were issued by those firms, if these were not meant for the petitioner's firm. It is further argued that the offence, if any, is committed by those 28 firms, as well but none of them is an accused in the present FIR.

Counsel for the State, on instructions from Naresh Shehrawat (who is present in the Court) i.e. the Excise & Taxation Officer-cum-Assessing Authority, Jind, could not dispute the arguments raised by learned Senior counsel for the petitioner with reference to the provisions of Section 8(4) of the Central Sales Tax Act, 1956 and submits that the petitioner be directed to join the investigation in order to give further details so as to complete the investigation with reference to the aforesaid 28 firms mentioned in the FIR.

List again on 30.04.2019....”

Learned Senior counsel for the petitioner submits that the petitioner, in pursuance to the order dated 07.03.2019, has joined the investigation and has deposited the outstanding tax amount of Rs.11,23,548/-.

Counsel for the State, on instructions from ASI Bhagwat Singh, has not disputed the factual position and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 07.03.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

30.04.2019
yakub

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No