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

(202) **CRM No. M-12752 of 2021(O&M)**
Date of Decision : 15.11.2021

Shyam Pratap Singh

....Petitioner

Versus

State of Haryana

.....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Arav Gupta, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

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Harsimran Singh Sethi, J. (Oral)

CRM-8713-2021

Application is allowed, as prayed for.

CRM-M-12752-2021

The petitioner is seeking anticipatory bail in FIR No. 0009 dated 06.01.2020 under Sections 406 and 420 IPC registered at Police Station Sector 31, Faridabad, Haryana.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by the Co-ordinate Bench of this Court dated 19.03.2021. Order dated 19.03.2021 is as under:-

> *"Prayer is for grant of anticipatory bail in case FIR No. 0009 dated 06.01.2020 under Sections 406 and 420 IPC registered at Police Station Sector 31, Faridabad, Haryana.*
>
> *FIR was lodged on the complaint of one Pradeep Singh, who stated that he is representative of a public limited Company under the name and style of Century Metal Recycling*

Limited. Their Company is engaged in the business of manufacture of the aluminium alloy ingots, having plants across the country. The petitioner is the proprietor of C.S. Enterprises and S.V. Enterprises, who was supplying contract labour to the complainant Company at various plants. It is alleged that during the internal audit, certain discrepancies, in the bills of the C.S. Enterprises and S.V. Enterprises were detected. Upon investigations, it was found that the petitioner used to submit false, forged and fabricated documents/bills for the purpose of claiming excess amount of Provident Fund from the complainant-Company. It is alleged that the entire Provident Fund was not deposited to the PF Authorities and forged challans/accounts and list of employees etc. were submitted by the petitioner with a malafide intention. The petitioner used to claim the Goods and Services Tax from the Company through forged bills raised on account of C.S. Enterprises and S.V. Enterprises for supply of the manpower to the Company from time to time but did not deposit the entire amount due to the GST Authorities to cheat and cause the wrongful loss to the company. The loss to the complainant-company on account of partial deposit of the PF to the PF Authorities and GST to the GST Authorities was to the tune of Rs. 1,17,00,000/-. Upon being confronted by the company and asked to face the consequences, the petitioner admitted his guilt and executed a letter of undertaking dated 17.04.2019 wherein he undertook to pay Rs.13 lacs for shortfall which was on account of outstanding dues of Provident Fund/ESI etc. Thereafter on 16.06.2019, the petitioner further agreed to deposit Rs.25 lacs to GST authorities within one month from 16.05.2019.

Learned counsel for the petitioner inter alia contends that there is no involvement of the petitioner in such criminality. No proceedings have been initiated either by the PF Authorities or the GST Authorities against the petitioner for *any default on the part of petitioner. He contends that the complainant-company terminated the agreement on 26.09.2019. Complainant-company owes an amount of Rs. 1.02 crores to the petitioner for the manpower supplied by the petitioner to the complainant. By referring to Annexure P-5 and P-6, he submits that the petitioner has been regularly depositing Provident Fund and GST Account. He submits that there may be certain shortfalls but he is willing to make good the shortfalls. It is stated that the petitioner has a long business dealing with the complainant-company and their accounts need to be reconciled. He submits that the petitioner had instituted a civil suit for reconciliation of the account in respect of the manpower supplied by the petitioner to the complainant. He undertakes that the petitioner shall join the investigation and fully cooperate with the Investigating Agency apart from supplying all the requisite documents, if so required.*

Notice of motion for 11.05.2021.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required."

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Mahavir Singh states that in terms of the order reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required. Learned State counsel submits that as per his instructions, an untrace report has been submitted by the investigating agency in the present case.

In view of the above, the order dated 19.03.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 15, 2021 **(HARSIMRAN SINGH SETHI)**
kanchan **JUDGE**

Whether reasoned/speaking? *Yes*
Whether reportable? *No*