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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Decided on: 22.09.2021

1. CRM-M No.16521 of 2021 (O&M)

Hawa Singh

....Petitioner

Versus

State of Haryana

....Respondent

2. CRM-M No.16572 of 2021 (O&M)

Suresh Kumar @ Jon

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rishi Kaushal, Advocate
for the petitioner (in CRM-M-16521-2021)

Mr. J.S. Sidhu, Advocate
for the petitioner (in CRM-M-16572-2021)

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in these petitions is for grant of regular bail to the petitioners namely Hawa Singh and Suresh Kumar @ Jon under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.645 dated 20.11.2018, for offence punishable under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code (in short 'IPC') registered at Police Station City Fatehabad, District Fatehabad.

Counsel for the petitioner has argued that as per the

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allegations in the FIR, registered at the instance of the Excise and Taxation Officer, the petitioners have allegedly prepared bogus/shell/fake firms for taking the benefit of GST by claiming false input tax credit. It is further submitted that both the petitioners are not involved in any other case. It is also submitted that the petitioner – Hawa Singh is in custody for the last 09 months and 21 days whereas the petitioner – Suresh Kumar is in custody for the last 08 months and 01 day.

Counsel for the State has not disputed the factual position but opposed the prayer for bail.

Counsel for the State, on the basis of the affidavit of the complainant has stated that during the investigation, it is found that the petitioners have created shell firms and have availed tax credit in a fraudulent manner without there being any actual business.

Without commenting anything on merits of the case, considering the fact that both the petitioners are not involved in any other case; they are in long custody; the offences are triable by the Court of Magistrate; till date, charges have not been framed and conclusion of the trial is likely to take some time, the present petitions are allowed and the petitioners – Hawa Singh and Suresh Kumar are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

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A photocopy of this order be placed on the file of other connected case.

(ARVIND SINGH SANGWAN)
JUDGE

22.09.2021

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No