

CRM-M-18106-2021

Date of Decision: 08.06.2021

PARVEEN MEHTA

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Arpandeeep Narula, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

By this petition, the petitioner is seeking regular bail in case bearing FIR No.91 dated 06.03.2019 under Sections 420/406/467/468/471/201/120-B IPC registered at Police Station HTM Hisar.

Briefly, the aforesaid FIR has been registered at the instance of Excise and Taxation Officer, cum Proper Officer, Ward No.3, Hisar alleging that the petitioner has opened a fictitious and non-existent firm in the name and style of M/s Krishan Cotton Industries and fraudulently availed input tax credit to the tune of Rs.2,39,19,495/-.

It has been contented by the learned counsel for the petitioner that he is in custody since 17.12.2020 and the offences are triable by the Judicial Magistrate 1st Class. The identity documents pertaining the petitioner were obtained by Anupam Singla who had floated about 100 bogus firms which included the bogus firm by the name and style of M/s Krishan Cotton Industries depicting the petitioner as proprietor thereof. The petitioner is working as an Electrician, running a small shop, the benefits of the aforesaid non-existent firm have been availed by Anupam Singla and the petitioner was being given about Rs.15/20,000/- per month as per the version of the prosecution (though denied by the petitioner).

It has been further contended by learned counsel for the petitioner that similarly placed accused in another FIR i.e. Mimanshu Singla has been granted bail by the Coordinate Bench of this Court in terms of order dated 08.02.2021 passed in CRM-M-5117-2021. Besides similarly placed accused in other FIRs, in whose name Anupam Singla had floated the fictitious and non-existent firms, have also been granted concession of regular bail by the Court of Session.

Learned State counsel has opposed the bail application on the score that the petitioner is active participant in the fraudulent transactions.

Significantly, it has not been disputed that the similarly placed accused in the other FIRs, where also the fictitious and non-existent firms were floated by Anupam Singla, have been granted bail. The petitioner is in custody for the last more than 06 months and the similarly placed accused in the other FIRs have been granted bail. The investigation of the case is complete and challan has been presented in the Court but the conclusion of trial is likely to take some time on account of restricted hearing of the Courts due to Covid-19 Pandemic.

In view of the above, sufficient grounds are made out to extend the concession of bail to the petitioner and he is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate/Trial Court.

The petition is allowed accordingly.

08.06.2021
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No