

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-23725 of 2021
Date of decision:30.06.2021

Suresh Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Gurmeet Singh, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

The petitioner is seeking regular bail in case FIR No.13 dated 09.01.2019 registered under Sections 420, 467, 468, 471 and 120-B of Indian Penal Code, 1860 at Police Station City Fatehabad, District Fatehabad.

FIR (Annexure P-1) has been registered by Excise and Taxation Officer, State GST Officer, Ward-2, Fatehabad on the allegation that numerous bogus firms have been floated and the Government has been duped of Rs.69,58,527/- by raising claims of input tax credit on fake sales of about Rs.14.00 crores.

Counsel for the petitioner submits that the petitioner is a student and is pursuing the under graduate course by correspondence from Chaudhary Devi Lal University, Sirsa and is working on part time basis as a Compounder with the private hospital. He submits that the main accused, Anupam Singla had floated about 100 bogus firms including one firm by the name of “M/s Manish Cotton Industry” by showing the petitioner as its Proprietor. He submits that the main accused came in possession of some of the official documents of the petitioner which he misused for floating the said firm. He urges that during the search conducted at the residence of the main accused, large number of debit/credit cards, blank signed cheque books, identity proofs of various persons, mobile sim cards were recovered and during his interrogation, the main accused has confessed his guilt. He has placed reliance upon the orders, Annexures P-2 to P-4 passed by this Court as well as Annexures P-5 to P-7 passed by the Sessions Court, whereby, co-accused, who are similarly situated as the petitioner, have been granted the concession of regular bail. It is his argument that the offences alleged against the petitioner are triable by the Magistrate. He has placed reliance upon the report of Medical Officer, Central Jail-II, Hisar (Annexure P-8) to submit that the petitioner is a Diabetic mellitus Type-I patient, besides suffering from other ailments and is highly susceptible to the contagion. He submits that investigation qua the petitioner is complete, challan has been presented and the petitioner, who is in custody since 28.10.2020, is no longer required for custodial interrogation.

Per contra, State counsel upon instructions from Inspector Mahender Singh has opposed the petition. He has referred to the statement of the accused Dheeraj @ Dhuru, who gave the details how the fraud has been committed with the Government. It is his contention that the petitioner actively participated in the crime by voluntarily handing over his personal documents to the co-accused and has been receiving a sum of Rs.20,000/- from the accused, Dheeraj @ Dhuru. As per his instructions, all the five accused have been arrested and challan has been presented against three of the accused including the petitioner.

I have considered the rival submissions of the parties.

An examination of the orders, Annexures P-2 to P-4 passed by the Co-ordinate Benches of this Court shows that case of the petitioner is at par with that of co-accused.

Keeping in view the facts and circumstances, nature of allegations, the gravity of offence, period of incarceration of the petitioner and the fact that trial is likely to take time to conclude and in particular, the health condition of the petitioner, no purpose would be served by keeping the petitioner behind bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

June 30, 2021
savita

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes/No</i>