

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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CRM-M-26722-2021 (O &M)

Date of decision: 23.12.2021

SUSHIL

.....Petitioner

Versus

STATE OF HARYANA

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana
for the respondent-State.

SANT PARKASH, J. (ORAL)

CRM-36149-2021

For the reasons mentioned in the application, the same is allowed and copy of orders dated 25.10.2021 passed by the learned trial Court and copy of order dated 25.10.2021 passed by this Court are taken on record as Annexures P-6 to P-9 and the petitioner is exempted from filing certified/true typed/more legible copies of the Annexures.

Registry is directed to tag the aforesaid documents at appropriate place and paginate the paper book.

CRM-M-26722-2021

Prayer in this petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C") is for grant of regular bail to the petitioner, in case, FIR No. 293 dated 04.09.2019 registered under Sections 406, 420, 468 and 471 of the Indian Penal

Code, 1860 at Police Station Sadar Jind District Jind.

The allegations against the petitioner are that he had issued some forged Statutory Forms (C Forms) to some firms in District Jind, who were not entitled to the said C Forms. It is further alleged that upon verification, it was found that the C Forms in question were never issued from online C Form Portal of Excise and Taxation Department, Haryana.

The petition has been opposed in terms of reply/status report filed on behalf of respondent-State.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case as he was working as Clerk in an Advocate's Office from where the aforesaid C Form were allegedly issued. The petitioner had nothing to do with issuance of any C Forms. The petitioner was arrayed as an accused in four similar matters involving similar nature of offence and has been granted bail in all those cases. The petitioner is in custody since 18.01.2021. Trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel opposed the submissions of learned Counsel for the petitioner and has stated the petitioner is a habitual offender of committing similar crimes.

Therefore, the petition for grant of regular bail to the petitioner may be dismissed.

Having considered the facts and circumstances of the case, the petitioner being granted bail in three cases involving similar nature of offence by the learned trial Court, grant of bail in one case of similar nature by this Court, the period of custody undergone by the petitioner in this case, the case totally based on documentary evidence, custodial interrogation of the petitioner not required but without expressing any opinion on the merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.12.2021
kavneet singh

(SANT PARKASH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No