IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6890-2022
Reserved on: 25.03.2022
Pronounced on:20.04.2022

Birendra Singh ...Petitioner

Versus

State of Haryana …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Puneet Kakkar, Advocate for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

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ANOOP CHITKARA, J.

FIR No.	**Dated**	**Police Station**	**Sections**
217	15.03.2019	Sadar Gurugram, District Gurugram	420, 467, 468, 471 IPC, 1860 and 10 of Central Sales Tax Act, 1956

1. The petitioner, incarcerating upon his arrest in the FIR captioned above, for committing revenue fraud to the extent of Rs 4,61,18,279/-, i.e., more than Rs. 4.61 crores, has come up before this Court under Section 439 of Code of Criminal Procedure, 1973 (Cr.P.C) seeking bail.

2. In paragraph 22 of the bail application, the accused declares that he has no criminal antecedents.

3. Ld. Counsel for the petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

4. While opposing the bail, Ld. counsel representing the State contends that amount is huge.

<u>REASONING</u>:

5. The firm's address was in the premises taken on lease by the petitioner in the name of Meenakshi Sharma. The phone number he used was eventually found in the name of a person who had expired. The petitioner and his accomplice also took on rent a shop, and the petitioner handed over the ID of Manoj Kumar. The persons who had filed sales tax returns revealed that the said sales tax returns for Namah Enterprises

were filed on behalf of the petitioner. The money was found to have been credited to the petitioner's account. The investigation further revealed that the petitioner made his servant Manoj Kumar a scapegoat.

6. The total amount embezzled is more than Rs four crores and sixty-one lacs. The allegations against the petitioner are so severe that it primafacie points out the shrewd criminal intent. Primafacie, the petitioner, and his accomplices took advantage either for extraneous considerations or due to the sluggish employees posted in the concerned wing of the department. The petitioner also took advantage of the inherent weakness of the security checks in the system, as well as the ease with which he got and used a sim card issued to a person who had expired, got it recharged without further verification of the holder's identity.

7. Ld. counsel for the petitioner further argued that the petitioner is in custody since 24-06-2021.

8. After considering the amount of Rs. 4.6 crores involved in the fraud; the custody of around ten months cannot be said to be so prolonged that on this ground alone, the petitioner should get bail.

9. The gravity of offence does not entitle the petitioner bail.

10. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

20.04.2022
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.