IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-13230-2022
Date of decision: 04.04.2022

PARDEEP KUMAR ....Petitioner

Versus

STATE OF HARYANA ...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

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Present : Mr. Kamal Mor, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional A.G. Haryana.

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VINOD S. BHARDWAJ. J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. by the petitioner for seeking concession of regular bail in case FIR No. 318 dated 15.12.2018 under Sections 420, 467, 468, 471 and 201 IPC at Police Station Sadar Narwana, District Jind.

2. Learned counsel appearing on behalf of the petitioner contends that the FIR in question had been registered against the petitioner on the basis of submission of false "C" form for the financial year 2006-07. He submits that the petitioner's Firm is a Rice dealer and had entered into the agreement with Government of Haryana as per which, the Government was to provide paddy to the Firm and the Firm was to supply back milled rice @ 67% of paddy to the Government and the wastage was to remain with the Firm, which it was allowed to sell against form ST-38 issued by the Sale Tax Department.

3. Learned counsel contends that without going into the factual matrix of the allegations levelled, the petitioner has already

made good the deposit of the amount, the penalty as well as the tax as assessed by the Department. He points out to the letter bearing memo No. 3191/ST-4 dated 31.10.2020 issued by the Excise and Taxation Commissioner, Haryana to all Dy. Excise and Taxation Commissioner's (Sales Tax) which directs that the FIR lodged against the dealers who submitted fake/forged "C" form, etc., have been ordered to be withdrawn where full amount of tax & penalty stands deposited by the Dealer. He has further drawn attention to the challan receipt (Annexure P-3) to substantiate the deposit of the entire amount as assessed by the State with the State exchequer and has further referred to the letter bearing endorsement No. 55 dated 11.03.2022 from Excise and Taxation Officer, Narwana to SHO Police Station, Sadar Narwana confirming about the deposit of the amount, penalty and tax by the petitioner. He further points out that in view of the said development, the FIR in question itself deserves to be withdrawn. He argues that the petitioner has been in custody since 30.12.2021 and is no longer required for investigation of the case.

4. Mr. Ashish Yadav, Additional A.G. Haryana has not been able to controvert the said facts. It is pointed out that the examination-in-chief of only 01 witness has been conducted so far.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

6. In view of the circumstances noticed above and taking into consideration the stage of the trial as also the fact of the petitioner having made good the deposit of the tax/penalty and other statutory

dues and the letters issued by the Excise and Taxation Commissioner, Haryana, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 04, 2022
vishal sharma

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