

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-36923-2021 (O&M)

Date of decision: 10.05.2022

Subhash Chander

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amit Rana, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 103 dated 18.06.2020 registered under Sections 420, 467, 468, 471, 120-B IPC and Section 132 of GST and CGST Act, 2017, at Police Station Bhattu Kalan, District Fatehabad.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR, he has been indicted in the present case, on the disclosure statement of the co-accused; that the maximum punishment for the alleged offences is one year and the petitioner has already undergone the sentence of more than one year; that it is stipulated in the Act, that if the tax liability is below 5 crores, the offence is bailable; that co-accused Manoj was granted the concession of interim bail, which ultimately was made absolute by a Coordinate Bench vide order dated 13.07.2021 and that the petitioner seeks parity with co-accused Manoj.

Learned State counsel, while controverting the submissions made by the learned counsel for the petitioner, submits that as per the reply, the petitioner is the partner/owner of the firm M/s Tirupati Balaji Oil Mills, Bhattu, and he in collusion with co-accused Manoj, has committed the crime and caused a loss of Rs. 36,81,478/-.

I have heard the learned counsel for the parties and have gone through the paper-book.

The petitioner has been in custody since 27.03.2021. Co-accused Manoj have already been enlarged on bail. The conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

10.05.2022

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No