

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

**CRM-M-48414 of 2021
Date of Decision:- 05.12.2022**

Sant Kumar and another

....Petitioners

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Birender Singh Rana, Sr. Advocate
with Mr. Nayandeep Rana, Advocate
for the petitioners.

Mr. M.S. Nagra, AAG, Punjab.

KARAMJIT SINGH, J.(Oral)

Prayer is for grant for regular bail to the petitioners in case having FIR No.0016 dated 09/10.01.2019 registered under Section 420, 467, 468, 471, 120 B and 201 of IPC, Police Station Bhuna, Fatehabad.

The counsel for the petitioners has inter-alia contended that the petitioners have been falsely implicated in the present case alleging that they claimed bogus Input Tax Credit (ITC) worth Rs.1,16,00,296/- and thereby caused loss to Government exchequer.

The counsel for the petitioners further contended that both the petitioners are in custody for last more than 1 year and 7 months and all the offences are triable by the Court of Judicial Magistrate 1st Class and that as per the provisions of GST Act the alleged offence committed by the petitioners is a bailable offence and further it will take considerable time for the trial to conclude. So no purpose would be served by keeping the petitioners behind the bars for any longer period.

The present petition is resisted by the State counsel who submits that the petitioners presented fake bills and thereby claimed bogus ITC worth Rs.1,16,00,296/- and caused financial loss to the government. However, the State counsel has not disputed the fact that the petitioners are in custody for the last more than 1 year and 7 months.

I have considered the submissions made by the parties.

Admittedly, all the offences are triable by the Court of JMFC and the petitioners are in custody for the last more than 1 year and 7 months and it will take considerable time for the trial to culminate and as such, no purpose is going to be served by keeping the petitioners behind the bars for any longer period.

In view of the above, without commenting on the merits of the case the present petition is hereby accepted and the petitioners are ordered to be released on bail subject to furnishing bail and surety

bonds to the satisfaction of the Trial Court/CJM/Duty Magistrate concerned.

Disposed of accordingly, so also the pending miscellaneous application(s), if any.

05.12.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No