

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(103+203)

CRM-1764-2022 in/and
CRM-M-48559-2021

Date of Decision : February 11, 2022

Sant Kumar and another

.. Petitioners

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. B.S. Rana, Sr. Advocate, with
Mr. Nayandep Rana, Advocate, for the petitioners.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-1764-2022

Present application has been filed for placing on record the order dated 07.04.2021 passed by the learned ACJ (SD) cum JMJC, Fatehabad as Annexure P-4.

Keeping in view the averments made in the application, the same is allowed and Annexure P-4 is taken on record.

CRM-M-48559-2021

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioners in respect of FIR No.0017 dated 09.01.2019/10.01.2019 registered under Sections 420, 467, 468, 471, 120-B

and 201 of the Indian Penal Code, 1860 at Police Station Bhuna, Fatehabad.

Learned senior counsel appearing on behalf of the petitioners submits that the main accused, in whose name the alleged bogus firm existed, which firm, allegedly evaded the GST, has already been extended the concession of bail and in the present case, the challan has already been presented and eight witnesses have already been examined, hence, no useful purpose will be achieved in keeping the petitioners behind the bars during the entire period of trial as the petitioners undertake before this Court not to influence the trial or the witnesses in any manner.

Learned State counsel submits that the petitioners had played a key role and are to be treated as a master mind for the reason that Joginder Singh was only working as a puppet at the hands of the petitioners as all the acts were done by the petitioners though, learned State counsel concedes that the challan has already been presented and eight witnesses have already been examined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that co-accused Joginder Singh, in whose name the alleged bogus firm existed, which firm allegedly evaded the GST, has already been extended the concession of regular bail and even qua the petitioners, the challan has already been presented and the trial is in progress, no useful purpose will be achieved in keeping the petitioners behind the bars during the entire period of trial as trial is likely to take some time before it concludes keeping in the view the restricted working of the Courts due to the pandemic of Covid-19 especially when learned senior counsel for the petitioners has assured this Court in case, the petitioners are

extended the benefit of regular bail, they will not influence the trial or the witnesses in any manner and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioners be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

February 11, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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