

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

CRM-M-52140-2022 (O&M)

Date of decision: 18.11.2022

Rajesh Jain

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gaurav Mohunta, Advocate,
Ms. Suman Jain, Advocate,
Mr. Udit Jain, Advocate and
Mr. Naman Jain, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 645 dated 20.11.2018, for offence punishable under Sections 420, 406, 467, 468, 471, 120-B of the IPC registered at Police Station City Fatehabad, District Fatehabad.

Learned counsel for the petitioner, at the very outset, relies upon order dated 22.09.2021 passed in CRM-M Nos. 16521 & 16572 of 2021, vide which co-accused Hawa Singh and Suresh Kumar @ Jon have already been granted the concession of regular bail by this Court. The operative part of the order reads as under:

“Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of the Excise and Taxation Officer, the petitioners have allegedly prepared bogus/shell/fake firms for taking the

benefit of GST by claiming false input tax credit. It is further submitted that both the petitioners are not involved in any other case. It is also submitted that the petitioner – Hawa Singh is in custody for the last 09 months and 21 days whereas the petitioner – Suresh Kumar is in custody for the last 08 months and 01 day.

Counsel for the State has not disputed the factual position but opposed the prayer for bail.

Counsel for the State, on the basis of the affidavit of the complainant has stated that during the investigation, it is found that the petitioners have created shell firms and have availed tax credit in a fraudulent manner without there being any actual business.

Without commenting anything on merits of the case, considering the fact that both the petitioners are not involved in any other case; they are in long custody; the offences are triable by the Court of Magistrate; till date, charges have not been framed and conclusion of the trial is likely to take some time, the present petitions are allowed and the petitioners – Hawa Singh and Suresh Kumar are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.”

For the sake of brevity, the facts are not reproduced again.

Learned counsel for the petitioner submits that after the arrest of co-accused Suresh Kumar @ Jon, his disclosure was recorded, in which he has not named the petitioner, however, in his second disclosure, he has named the petitioner as a person, who was known to the bank officials and has helped him in procuring the cattle loan, though no such loan was availed by the co-accused.

Learned counsel for the petitioner further submits that the offences being triable by the Court of a Magistrate, the conclusion of the

trial is likely to take a long time, therefore, the petitioner may be enlarged on regular bail.

Learned State counsel has filed the custody certificate and has not disputed the factual position. As per custody certificate, the petitioner is in judicial custody for the last 28 days; he is not involved in any other case and investigation is complete.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

18.11.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No