

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212

CRM-M-5317 of 2023
DATE OF DECISION:-07.02.2023

Amarpreet Singh

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kunwar Rajan, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail pending trial in case FIR No.23 dated 20.01.2021 under Sections 132(1)(b), 132(1)(c) CDST/HGST Act 2017, 120B/420/467/468/471 of IPC, registered at Police Station Sadar Kanina.

Learned counsel for the petitioner submits that the petitioner is behind the bars for the past almost 5 months now, the investigation already stands concluded with the filing of challan followed by framing of charges vide order dated 16.01.2023. Referring to page-14 of the paper book which forms part of final report under Section 173 Cr.P.C., filed before the Court, learned counsel submits that even as per the investigation, one Gopal Sharma and Deepak Saini were the actual beneficiaries and the documents were forged within their premises only with the help of one Deepa who has even been granted concession of regular bail and thus, the petitioner also deserves the same relief.

On the other hand, learned State counsel submits that the firm in question was registered in the name of the petitioner and thus, he is the person solely responsible for the entire financial fraud.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

A perusal of the final report submitted under Section 173 Cr.P.C., clearly shows that even as per investigation, the fake documents used for the purpose of registration of the firm in question were prepared and used at the instance of one Gopal Sharma and his companion Deepak Saini with the aid of one Deepa who has already been granted concession of regular bail. It may be pointed out here that to the utter surprise of this Court despite, the investigating agency having found Gopal Sharma and Deepak Saini to be deeply involved in the entire offence, they have been placed in column No.2 and provisions of Sections 467, 468 and 471 IPC have also been deleted from the FIR for the reasons best known to the investigating agency.

In view of the fact that the said Gopal Sharma and Deepak Saini who have been formed as active participant of the entire sequence narrated in the FIR, have been exonerated by the investigating agency itself, though for which there appears to be no justification, thus it would not be appropriate for keeping the petitioner behind the bars for any further period and he accordingly deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

07.02.2023.
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No