

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(216)

CRM-M-5598-2023
Date of decision:- 12.07.2023

Rakesh Puri

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gulshan Mehta, Advocate
for the petitioner.

Mr. Munish Sharma, DAG, Haryana
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
732	28.07.2019	Chandni Bagh, Panipat, Haryana	420, 467, 468, 471 and 201, IPC

2. Case of the prosecution is that above stated FIR has been registered on a complaint received from Taxation Inspector on the allegation that a fake firm in the name of M/s Shree Balaji Associates had been registered and during the enquiry, it was found that no such firm was existing at the given address. Further enquiry reveals that payments have

been made to different bank accounts of the firm by various buyers. Intention of registering the firm on the basis of bogus documents was to deceive the exchequer of the input tax credit by generating e-bills and issuing invoices.

3. Counsel for the petitioner contends that the petitioner has not been named in the FIR, rather he has been arraigned as an accused on the basis of a disclosure statement, which cannot be read into evidence. He submits that investigation is complete and final report has been submitted by the Investigating Agency. Still further, it is his case that although the petitioner has been falsely involved in some similar cases, but the trial is pending before the Magistrate and the petitioner, who is custody since 25.08.2021, deserves to be freed from detention.

4. *Per contra*, State counsel, upon instructions received from SI, Rajender Singh, has opposed the petition and has submitted that the petitioner in connivance with co-accused opened a fake firm to deceive the government. He has highlighted the criminal antecedents of the petitioner and has opposed the bail petition to the hilt. As per his instructions, five out of thirty five prosecution witnesses have been examined.

5. Having heard counsel for the parties, but without commenting upon the merits of the allegations levelled against the petitioner, this Court is *prima facie* of the view that considering the length of custody of more than twenty two months and the initial stage of the trial, petitioner deserves to be released on bail during the pendency of the trial.

6. Petition is allowed.

7. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned. While being released on bail, petitioner shall furnish an undertaking by way of an affidavit that he will not get involved in any other criminal case and in case, he violates the undertaking, liberty is granted to the State to seek cancellation of the bail.
8. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

12.07.2023

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No