

CRM-M 10845 of 2023

2023:PHHC:062844
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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

224

CRM-M 10845 of 2023
Date of Decision: 02.05.2023

Ravinder Kumar

.....*Petitioner*

Versus

State of Haryana

.....*Respondent*

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. P.S. Jammu, Advocate for the petitioner.

Mr. R.S. Nain, DAG, Haryana.

GURBIR SINGH, J (ORAL)

The prayer in this petition is for grant of regular bail in case FIR No.645 dated 20.11.2018, under Sections 120-B, 406, 420, 467, 468, 471 IPC, registered at Police Station City Fatehabad District Fatehabad.

Learned counsel for the petitioner submits that the petitioner is in custody since 09.11.2022. He was named in the present case on the basis of disclosure statement of Hawa Singh and Suresh Kumar @ Jon. The allegations against the petitioner are that he provided documents of identity proof on the basis of which account was opened in the name of fake firms and amount of input tax credit was got credited in the said account on the basis of forged bills. Challan has already been presented in this case. The co-accused Hawa Singh, Suresh Kumar @ John and Rajesh Jain have already been granted regular bail by this Court vide order dated 18.11.2022 (Annexure P-2). The case is triable by the Magistrate. Hence, the petitioner deserves the concession of bail.

Status report by way of affidavit of Subhash Chander, HPS,

Deputy Superintendent of Police, Head Quarter, Fatehabad, on behalf of

respondent-State, has already been filed.

On the other hand, the prayer is opposed by learned State counsel that accounts were opened on providing documents by the petitioner himself. He is also involved in three other cases of similar nature but he fairly admitted that the petitioner is in custody since 09.11.2022.

Learned counsel for the petitioner further submits that petitioner is already on bail in the above mentioned three other cases.

Heard.

Para No. 11 of the status report is reproduced here as under:-

'11.That during investigation it is revealed that the petitioner in-connivance with co-accused Hawa Singh, Suresh Jain, Rajesh Jain established the fake firm in the name of M/s. New India Enterprises, Fatehabad and registered the same at GST portal having GSTIN 06ESSPS4139G1Z and this fake firm has made business of worth Rs.15,98,77,748/- by issuing numerous invoices with 26 firms within and out of State of Haryana and causing loss of Rs.1,85,22,931/- to the government. The said firm has been registered with intention to claim input tax credit on forged bills and causing huge loss to the State Exchequer. Firstly, the alleged proprietor Hawa Singh was arrested in this case on 30.11.2020 and he disclosed about the involvement of accused Suresh @ Jon and Vikas. The accused Suresh Kumar @ Jon was joined in this case on 19.01.2021. They further disclosed the active connivance of Ravinder Kumar@ Ravi Tarar (Petitioner/accused) and Rajesh Jain and as per Suresh Kumar @ Jon, Ravinder Kumar @ Ravi Tarar and Rajesh Jain had asked him to get the PAN card, Adhar card and photographs of his known person and in the name of that person, the fake firm will be got registered as since the implementation of GST the

original documents are not deposited to get the firm registered nor the verification is done as it was taking place earlier. The firm is registered on the portal with the online documents and that, that known person will be given commission every month and they all will get good earning by fake billing.'

The role of the petitioner is that he provided documents like PAN Card, Aadhar card and photographs of his known persons thereby enabled the co-accused to open the account in the bank in the name of the firms which got input tax credit on the basis of forged documents.

Without commenting anything on merits of the case, considering the fact that the case is triable by the Magistrate; Co-accused have already been enlarged on bail; the petitioner is already on bail in other three cases; but pending of said cases is no ground to refuse concession of bail in this case; challan has already been presented; the petitioner is in custody since 09.11.2022 and the completion of trial will also take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long period.

Accordingly, the present petition is **allowed** and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned. The petitioner shall also abide by the following conditions:-

- 1. The petitioner shall surrender his passport and shall not leave the country without the prior permission of the Trial Court/court concerned*
- 2. The petitioner shall give his mobile number to the Trial Court and get the same registered, on which SMS shall be received from the CIS and shall not change his mobile number during pendency of the case.*
- 3. The petitioner shall not change his residence without*

prior intimation to the SHO concerned and the trial Court.

4. *The petitioner shall appear before the Trial Court on each and every date of hearing.*

The Trial Court is at liberty to impose any other condition that it may deem appropriate. It is further clarified that in case of default of any of the conditions, then the concerned Court is competent to cancel the bail granted to the petitioner.

Nothing stated herein above be construed as a final expression of opinion on the merits of the case and the Trial Court would proceed independently of the observations above, which have only been made for the purpose of adjudication of the present petition for grant of regular bail.

02.05.2023

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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No