

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37122-2023

Date of Decision:10.08.2023

Praveen Kumar

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Ankur Lal, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

Reply by way of an affidavit of Deputy Superintendent of Police, Rohtak, has been filed on behalf of the respondent-State and the same is taken on record.

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.4 dated 06.01.2019 registered under Sections 406, 420, 467, 468, 471 of IPC and Section 132(1)(B)(C) of HGST Act, 2017, at Police Station Arya Nagar Rohtak, District Rohtak.

As per the prosecution, the FIR in the present case was got registered by the Excise and Taxation Officer by alleging that the petitioner is creating false and bogus companies for extracting GST amount from the public. It was further alleged that he was issuing fake bills and had not deposited various amounts in the GST Department and caused a loss of Rs.10,233,769/- to the Department.

Learned counsel for the petitioner contends that the petitioner has not been named in the present case nor any specific role has been assigned to him. As per the case of the prosecution, the only role attributed to the present petitioner is that he had got registered the firm namely M/s Vishal Industries, after obtaining documents from its proprietor Vinod. Learned counsel further contends that the petitioner got registered the said firm at the behest of Anupam Singla, co-accused. Later on, it was discovered that Anupam Singla, who was running the said firm, was indulging in tax evasion and huge loss has been caused to the Govt. Exchequer. Learned counsel further contends that by any stretch of imagination, the petitioner cannot be held to the beneficiary of the said amount, which has been illegally taken by Anupam Singla. Learned counsel further contends that in the present case, the challan has already been presented against him and he has undergone more than 01 year and 11 months of custody. Thus, his further custody will not serve any meaningful purpose.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had caused loss of more than Rs.1 crore to the Govt. Exchequer and he had actively participated in the commission of crime and several other cases have been registered against him. However, she admits that as per the custody certificate, the petitioner has undergone for a period of 01 years, 11 months and 12 days in the present case.

I have heard the learned counsel for the parties and perused the record.

The Hon'ble Supreme Court in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** has held that the

pendency of several criminal cases against the accused cannot be basis to refuse the prayer of bail. Similar observations has been made by the Hon'ble Supreme Court in the matter of ***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another 2012(1) R.C.R. (Criminal) 586.***

Still further, no doubt, several other criminal cases have been registered against the present petitioner, but that cannot be sole ground to confine the present petitioner in jail for an indefinite period. The bail to a petitioner cannot be denied solely on the ground that several other cases are pending against him, even though, the petitioner has been able to make out a case for grant of bail in the facts of the present case. In the present case also, the petitioner has already undergone more than 01 year and 11 months of the custody and the trial is at an initial stage. Even all the offences are triable by the Court of learned Magistrate and the conclusion of the trial may take considerable time.

In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court*

proceedings except on the prior permission of the Court concerned.

- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*
- (vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.*
- (viii) The petitioner shall report every 1st and 3rd Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Haryana shall be at liberty to move an appropriate application in this regard.*

10.08.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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