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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 45152 of 2023

Date of Decision:- 30.11.2023

VISHAL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Partap Singh, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
475	20.10.2020	420, 467, 468, 471 IPC, 11 of Central Sales Tax Act, (later on Section 132 of GST Act, 2017 added and Section 11 Central Sales Tax Act 1956 deleted)	Gohana City, District Sonapat.

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on allegation of registration of fake firm whereas the petitioner’s firm is duly registered under the Haryana Goods and Services Act, 2017 and Central GST Act, 2017 and had been regularly filing of return thereof. The petitioner is in custody since 04.06.2023 and is suffering from advance stage of HIV

positive. He submits that even till date the petitioner has never received any notice qua the alleged tax evasion. The challan has already been presented in Court, and hence he prayed for grant of concession of bail to the petitioner.

3. Per contra learned State Counsel by referring to the reply submits that the petitioner had created a fake firm along with his brother-in-law Shanky and had been making fake transactions for the purpose of evasion of tax. He submits that the co-accused is yet to be arrested but admitted the fact that the challan has already been presented in Court and keeping in view the gravity of offence he prayed for dismissal of the petition.

4. Considering the rival contentions and perusing the record, it transpires that the petitioner is in custody since 04.06.2023. It is not controverted that he is suffering from advance stage of HIV positive. The challan has already been presented against the petitioner and there is no other case registered against the petitioner and criminal liability if any could be ascertained after conclusion of trial which will take sufficient long time and no purpose would be served by keeping petitioner behind bars any longer.

5. Consequently, without commenting on the merits of the case, and keeping in view the medical condition of the petitioner, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other

case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

30.11.2023
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No