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2024:PHHC:040996

CRM-M-2564-2024
Date of decision : 21.03.2024

...Petitioner

....Respondent

Present: Mr. Kulwinder Singh, Advocate for
Mr. Narinder Singh Sindher, Advocate for the petitioner.

PANKAJ JAIN, J. (ORAL)

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. The gravamen of the allegation against the petitioner is of having supplied fake documents for registration of firm with an intent to claim refund of GST.

4. Counsel for the petitioner submits that the petitioner is behind bars for more than 2 years, 7 months and 16 days. He further submits that whole of the evidence is in form of documents which are already in possession of the investigating agency and material witnesses already stand

examined. Apart therefrom most of the witnesses are official in nature and the offences are triable by Magistrate.

5. State Counsel is not in position to dispute the factual assertions made by counsel for the petitioner based on record. However, he submits that the petitioner has a history of being involved in 4 more cases.

6. Faced with the situation counsel for the petitioner relies upon '**Prabhakar Tewari vs. State of UP and another**', 2020 (1) RCR (Criminal) 831 to submit that the involvement of the petitioner in several more cases cannot be a ground to deny bail. Further reliance has been placed upon '**Maulana Mohd. Amir Rashadi vs. State of UP (SC)**', (2012) 2 SCC 382.

7. Having heard rival contentions of the parties and after going through records of the case, without commenting on the merits thereof keeping in view the incarceration already suffered by the petitioner, the nature of evidence against him and the stage of trial, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

March 21, 2024
Dpr

(Pankaj Jain)
Judge

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