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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 23170 of 2021 (O&M)

Date of decision : 15.02.2024

Gaurav Singhal

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- None for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

1 On 29.07.2021 the following order was passed:-

“The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM No.22657 of 2021

Prayer in the application filed by the applicant-petitioner is for placing on record the facts and documents.

Notice of the application to the non-applicant/respondent-State.

On asking of the Court, Mr. Gurmeet Singh, Assistant Advocate General, Haryana accepts notice on behalf of the non-applicant/respondent-State. He seeks and is granted time to respond to the application.

CRM-M-23170 of 2021

Learned senior counsel has urged that FIR (Annexure P-1) has been registered by the Excise and Taxation Department on the allegation that one Ajay Kumar Singh had registered a firm in the name of M/s Milan Mega Mart under the CGST/HGST Act, 2017 on the basis of fake documents. He submits that during the course of investigation, it transpired that the said firm had dealings with 17 other concerns and they attempted to utilize input credit tax of Rs.17.96 crore, but a major part of the tax was blocked by the Department. Learned senior counsel has made a categoric assertion

that the petitioner is neither a shareholder nor a Director nor office bearer or employee of any of the said firms. He submits that the petitioner has been roped in, on the basis of the statement of an Accountant, Krishan Kumar, who was working with Sunny Tanwar, who in turn, was a Chartered Accountant of all the 17 accused firms. Counsel submits that the petitioner is ready to join the investigation and cooperate with the investigating agency.

Let the petitioner join the investigation on 02.08.2021 at 11.00 a.m. at Police Station Chandni Bagh, District Panipat and extend full cooperation to the investigating agency.

It is made clear that in case the petitioner does not join and cooperate with the investigating agency, the interim protection granted by this Court, shall be vacated.

Mr. Gurmeet Singh, Assistant Advocate General, Haryana submits that State wants to place on record another additional affidavit to show the complicity of the petitioner in the crime.

List on 27.08.2021.”

2 For last about 2 years, the matter is pending consideration before this Court. Learned State counsel on instructions from Inspector Sukhvir Singh has stated that pursuant to the order dated 29.07.2021 the petitioner has joined investigation and is no longer required for custodial interrogation.

3 In view of above, the interim order dated 29.07.2021 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4 This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5 This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.

6

The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

7

It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

8

Petition stands disposed off.

9

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

15.02.2024

Pooja sharma-I

(PANKAJ JAIN)

JUDGE

Whether speaking/reasoned

Whether Reportable :

Yes

No