



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

242

CRM-M-29158-2024 (O&M)
Date of Decision:- 02.08.2024

MUSTKIN @ MUSTAKIM

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Parveen Sharma, Advocate for the petitioner.
Mr. Ramender Singh Chauhan, AAG Haryana.

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
61	15.02.2023	420, 467, 468, 471 IPC (120-B IPC added later on)	Sonipat Sadar, District Sonipat

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He submits that the petitioner is an illiterate person having no concern whatsoever with the alleged transaction. It is submitted that the identity documents of the petitioner were used by the co-accused Sunny and Parveen for opening the account in the name of the petitioner, wherein some amount was deposited. He submits that the petitioner himself happens to be a victim



of the misdeeds of the co-accused as they got his signatures on blank cheques and withdrawal slips which they used for the purpose of withdrawing the amount from the bank account of the petitioner. He submits that the aforesaid fact is evident from the statement of Bank Manager (Annexure P-2). He further submits that the petitioner is in custody since 26.01.2024 and challan has already been presented in Court and the conclusion of trial will take sufficient long time. He thus prayed for grant of regular bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the reply submitted by the State has assailed the arguments advanced by learned counsel for the petitioner by arguing that the petitioner along with co-accused had formed a fake firm namely SBJ Enterprise on the name of the petitioner and in this manner fake bills were generated to grab GST amounts. He has however admitted that as per the reply submitted by the concerned DSP, the GST returns of the said firm were filled by co-accused Sunny and Parveen and the role of the petitioner is only qua being the holder of the bank account in question and the said bank account was operated by co-accused Sunny and Parveen.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that the petitioner is alleged to have opened a bank account on his name, wherein some amounts were deposited by the firm SBJ Enterprise created by co-accused Sunny and Parveen for the purpose of evasion of GST. The role of the petitioner is only qua the fact that the said



account belonged to him, however, from the perusal of the statement given by the Bank Manager (Annexure P-2) and also the reply submitted by the State, it is evident that the petitioner had no active role therein and even the withdrawal forms signed by the petitioner were in fact used by co-accused Sunny for withdrawing the amount. The petitioner was arrested in this case on 26.01.2024 and is having no criminal antecedents. After the completion of investigation, challan has already been presented in Court and the conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer.

6. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate 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.

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

8. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

02.08.2024
S.Sharma(syr)

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