IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31844-2024
Reserved on: 05.08.2024
Pronounced on: 30.08. 2024

Amit Sharma ...Petitioner

Versus

State of Haryana …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Pradeep Duhan, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Sr. D.A.G., Haryana.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
190	13.03.2020	City Ballabgarh, District Faridabad	409, 420, 467, 468, 471, 120-B IPC and Section 7/13 (1) D of the PC Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.

2. In paragraph 11 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:-

> *"3 That the brief facts of the present case are that a complaint was submitted by Insp. Jagdish, CM Flying Squad, Faridabad, wherein it was mentioned that the CM Flying Squad, at the time of a surprise inspection at the Registration Authority, at Ballabgarh, Faridabad, found that the said Authority was illegally registering the vehicles by way of forged documents by evading payment of Tax. During investigation and enquiry, it transpired that some vehicle owners and agents had tampered and forged Form No.21 and 22 (i.e. original bill/invoice) and had shown the vehicles, lesser than their actual purchase amount, and got the same registered and issued in favour of the owners, the Registration Certificates, in collusion by the Computer Operator, at the Registration Transport Authority, Ballabgarh. During enquiry,*

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> *it was found that for the vehicle bearing registration no. HR 29AU 0230 marka Escorts bearing Chasis and Engine numbers (as mentioned in the FIR), of Rs. 10,01,112/- as per the Tax Invoice, a sum of Rs.60,070/- had been deposited as Motor Vehicle Tax whereas from the enquiry conducted with the manufacturer of the Company Escorts Limited, it was found that the Chasis and Engine numbers of the vehicle was not as mentioned above in the Tax Invoice but some other and, the commercial vehicle amounting to Rs.23,70,620/- and, the Tax payable thereupon was of Rs. 1,42,237/- by the owner. Hence, there was evasion of payment of Tax found, for the vehicle bearing registration number mentioned above, with dishonest and mala-fide intention. It was requested to take legal action. Thereupon, the above mentioned FIR No. 190 dated 13.03.2020 u/s 409, 420, 467, 467, 471, 120-B IPC and 7, 13(1) (D) of Prevention of Corruption Act, 1988 was registered at P.S. City Ballabgarh, Distt. Faridabad."*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:-

> *"7. That on 23.06.2022, the letter no. 7036 dated 24.05.2022 was received from RTA Dwarka (Gujarat) as per which the vehicle no. HR-29-V-4368 was found to be registered in the name of Momaiya Waghela R/o Jamnagar (Gujarat). The record regarding the same was obtained. The same vehicle was found to be already registered in Distt. Hardoi (U.P.) vide regn. no. UP-30-T-4368. The record regarding the same was obtained. The record regarding the letter no. 3398/RC dated 09.08.2022 for cancellation of fake NOC was obtained. The record regarding destroying of record was obtained from Registration Authority, Ballabgarh. The other relevant record was obtained from Registration Authority, Ballabgarh."*

7. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, per paragraph 8 of the reply filed to the bail petition, the petitioner has been in custody since 28-05-2024. Per the custody certificate dated 19.07.2024, the petitioner's total custody in this FIR is one month and twenty two days. Given the penal

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provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms.

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

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15. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.

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