

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33701-2024
Reserved on: 05.08.2024
Pronounced on: 30.08.2024

Deepak Rawat ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Samay Sandhawalia, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
191	13.03.2020	City Ballabgarh, Faridabad	13(1), 13(1) D and 7 of the PC Act and Sections 467/468/471/ 409/420/120-B IPC (Section 201 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, seeking regular bail.
2. Per paragraph 16 of the bail application and the reply/custody certificate, the accused has the following criminal antecedents:

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

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

“3. That the brief facts of the present case are that on 13.03.2020, a letter of Insp. Jagdish, CM Flying Squad, Faridabad in which it was mentioned that he had conducted the enquiry regarding amount of Motor Vehicle Tax misappropriated by the officials of Vehicle Registration

Authority, Ballabgarh by registering the commercial vehicles on the basis of fake documents. During enquiry, he had obtained the relevant documents from the Vehicle Registration Authorities, Faridabad and Ballabgarh and from the vehicle companies. From the enquiry, it came forth that some of the vehicle owners and touts tampered with the Form 21 and Form 22 of the vehicles and showed the price of the vehicle to be lesser than the original price and with the collusion of Computer Operator, officials / officers, paid the less tax and got the vehicles registered, which caused loss to the State Exchequer. One vehicle Escorts bearing no. HR-29-AU-0230 with chasis no. ECE02169LK0302616 and engine no. FPY 823496 was found to be registered in the Authority and the price of the said vehicle was shown as Rs. 10,01,112/- and the tax of Rs. 60,070/- was deposited. Whereas, on enquiry from Escorts company, it came forth that the original chasis number of the said vehicle is EC02169LK0302616 and FPY823496 and the real price of the said vehicle is Rs. 23,70,620/- and the tax amount of Rs. 1,42,237/- was made out. Thereby, the tax amount of Rs. 82,167/- was misappropriated. In this way, the tax of various vehicles was misappropriated by the vehicles owners and touts in collusion with the Computer Operators and other officials / officers of the Registration Authority. It was requested to take legal action. Thereupon, the above mentioned FIR No. 191 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. Mr. Samay Sandhawalia, counsel for the petitioner argued that the main allegation against the petitioner is that he was involved in preparing fake bills in order to show the real price of vehicles less than what it actually was so that less tax has to be paid during registration of vehicles and the only evidence against the petitioner is in the form of disclosure statement of co-accused.

5. 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.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

“18. That the role of the petitioner Deepak Rawat in the present case is that he is a tout involved in registration of vehicles in the Vehicle Registration Authority, Faridabad. The petitioner had prepared the fake bills of the vehicles with reduced prices (so that the Road Tax of the vehicles was reduced) and got the said vehicles registered in the Registration Authority, Ballabgarh by paying the lesser tax amount and in this way, he caused loss to the State Exchequer. The petitioner has got recovered the laptop used in the present crime and the amount of Rs. 50,000/-. The petitioner got registered 19 vehicles and committed misappropriation of tax of

Rs. 23,59,805/-."

8. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, per paragraph 14 of the reply to the bail petition, the petitioner has been in custody since 07-06-2024. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie 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.

9. 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.

10. 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.

11. 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)	

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
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.