



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-14666-2024
Date of decision: 14.05.2025

DALEEP....PETITIONER

Versus

STATE OF HARYANA...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Rajiv Malhotra, Advocate for
Mr. Manan Khetarpal, Advocate
for the petitioners.

Mr. Amrik Narwal, DAG, Haryana.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of Cr.P.C.,
petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
115	31.03.2021	420, 467, 468, 471 of IPC	Faridabad Central, District Faridabad.

2.

Learned counsel for the petitioner submits that in compliance to the orders dated 21.03.2024 and 23.04.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide orders dated 21.03.2024 and 23.04.2024.
3.

Learned State counsel, on instructions from SI Sanjay, intimates the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial interrogation.



CRM-M-14666-2024

2

4. During the course of hearing on 21.03.2024, following order was passed:

“ At the outset, learned counsel for the petitioner has stated that, in fact, another petition bearing No. CRM-M-14732-2024 has also been filed seeking quashing of the present FIR and hence, he represents the petitioner in both the cases.

After taking through the FIR, learned counsel for the petitioner has opened his arguments that it is a case of double jeopardy as the GST Authorities have already lodged a complaint under Section 132 CGST Act, 2017 before the Special Chief Judicial Magistrate, Economic Offences, Meerut in the year 2020, wherein, the petitioner was never made a party, now to circumvent the provisions of Section 319 Cr.P.C in the said complaint case without any cogent proof, the present FIR has been lodged as the FIR duly records that the entire narration of facts was received from the Excise and Taxation Officer, Sector 12, Faridabad through registered post on which the authorities have initiated the present FIR.

Learned counsel for the petitioner has also argued that an identical issue is also pending in CRWP-12206-2022, where also the authorities have invoked the provisions of Section 467 of IPC which could not have been invoked, as Section 72 IPC will come into play, as the offence alleged to be committed by the petitioner is under CGST Act and even if Section 467 IPC is charged, the cumulative punishment i.e. sentence of imprisonment cannot be beyond 05 years.

Notice of motion.

Mr. Anmol Malik, DAG, Haryana accepts notice on behalf of respondent-State.

In light of the above and without commenting on the merits of the case, the petitioner is directed to join investigation on 30.03.2024 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency, even thereafter.



CRM-M-14666-2024

3

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 23.04.2024.

However, it is made clear that this order shall not be construed as parity qua any other co-accused.

A copy of this order be also placed on record in CRM-M-14732-2024. ”

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the orders dated 21.03.2024 and 23.04.2024 passed by this Court, interim bail granted vide orders dated 21.03.2024 and 23.04.2024 is hereby confirmed, subject to conditions as envisaged under Section 482 (2) of BNSS, 2023. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

14.05.2025
kanika

(SANJIV BERRY)
JUDGE

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