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2024:PHHC:005744



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37424-2023

DECIDED ON: 16.01.2024

PRAVEEN KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ankur Lal, Advocate for the petitioner.

Mr. Pawan Kumar Jhanda, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., for grant of regular bail to the petitioner in FIR No.7, dated 07.01.2019, under Sections 420, 467, 468, 471, 201 and 120-B IPC and Section 132(1)(B), 132(1)(C) of Central Goods and Service Tax Act, 2017 as well as Section 132(1) (B & C) of Haryana Goods and Services Tax Act, 2017, registered at Police Station City Charkhi Dadri, District Charkhi Dadri.

2. Learned counsel for the petitioner contends that the allegations qua petitioner is that a responsibility has been fastened upon him to deposit the tax liability but he did not do so despite having information on the portal of the firm M/s Vaishali Industries, is doing the business of service recipients, as has been detailed in the FIR.

3. On the other hand, learned State counsel has produced the custody certificate of the petitioner, which is taken on record, to demonstrate that he has suffered incarceration for a period of 02 years, 03 months and 27 days. He submits that the petitioner is a habitual offender as he is involved in twelve more cases and, therefore, prays for dismissal of the instant petition.

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4. I have heard learned counsel for the parties.
5. As far as the pendency of other cases is concerned, as has been stated by learned State counsel, no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.
6. Looking into the totality of facts and circumstances as well as the submissions made by learned counsel for the parties and the fact that the trial is almost over as only two formal witnesses are to be examined out of total 47 witnesses, as has been stated by learned State counsel and the next date of hearing before the trial Court is 22.01.2024 added with the fact that the trial is at the fag end, therefore, no fruitful purpose would be served by keeping the petitioner behind the bars.
7. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.
8. In the afore-said terms, the present petition is hereby allowed.
9. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

16.01.2024

*Poonam Negi**Whether speaking/reasoned* Yes/No*Whether reportable* Yes/No