

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.29452 of 2015

Date of Decision:-01.10.2015

Vinod Kumar Garg.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Gaurav Chopra, Advocate &
Mr. Nitin Thatai, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
along with ASI Dharam Pal.

JASWANT SINGH, J.(ORAL)

Prayer is for grant of regular bail under Section 439 Cr.PC to the petitioner Vinod Kumar Garg in case FIR No.221 dated 14.11.2013 for offences punishable under Sections 177, 420, 465, 467, 468 & 471, 120-B of Indian Penal Code registered with Police Station Division No.5, Ludhiana.

Facts in brief are that co-accused Ramesh Mehan is owner of the proprietary firm M/s York International and his son Rajiv Mehan is he owner of the proprietorship firm M/s Shreyas International. Both the said firms are engaged in the business of Spinning Yarn. They allegedly exported readymade garments worth around Rs.16 crores to Bangladesh and sought refund of VAT to the tune of Rs.74 lacs.

Petitioner-Vinod Kumar is stated to be the owner of a proprietorship firm under the name and style of Umesh Spinners whereas his son Raman Garg along with one Brij Lal are stated to be directors of M/s Jaldhara Cotspin Pvt. Ltd..

As per the allegations in the FIR lodged by Excise and Taxation Department, the refund of 24 lacs was fraudulently obtained as there was no actual exports made, instead fraudulent documents had been prepared and submitted showing the movement of goods to claim illegal refund of the VAT.

The role attributed to the petitioner is that he is also one of the beneficiaries of a portion of the said illegal refunded amount.

Learned Counsel for the petitioner submits that the petitioner is in custody since 17.07.2015 and after completion of investigation challan has already been submitted which is exclusively triable by a Magistrate.

Learned State Counsel on instructions from ASI Dharam Pal does not controvert the factum of custody period as well as that challan has been presented.

Without commenting upon the merits of the case, keeping in view the fact that conclusion of trial is likely to take sometime, no useful purpose is going to be served by keeping the petitioner behind the bars. As such the present petition is allowed and petitioner is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Ludhiana.

(JASWANT SINGH)
JUDGE

October 01, 2015
Vinay