IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25693 of 2017
Date of Decision: 09.10.2017

Munish Kumar ....Petitioner

VERSUS

State of Punjab ....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Harshit Jain, Advocate
for the petitioner.

Mr. V.G. Jauhar, Sr. D.A.G. Punjab.

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<u>SURINDER GUPTA, J.(Oral)</u>

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 62 dated 29.10.2016 registered for offences punishable under Sections 419, 420, 467, 468, 471 read with Section 120-B of Indian Penal Code (for short 'IPC'), at Police Station City Ahmedgarh, District Sangrur.

Heard.

FIR in this case was registered on the complaint of Excise and Taxation Officer, Ahmedgarh for embezzlement of State Revenue worth crores. As per complainant, M/s Sharna Sales Corporation had been issued registration certificate under the Punjab VAT Act, 2005 for sale of cold-drinks, *kiryana* goods, confectionary and cosmetic goods. Munish Kumar (20%) and Dalvir Singh Sharna (80%) were shareholders of the firm. On 03.10.2013, 30C form no. PBAA/C8194621 to 8194650 were issued to the firm of petitioner. On a letter received from Joint Commissioner of Sales Tax, Mumbai, it was found that M/s Tesco Hindustan Wholesaling Pvt. Ltd. had shown sale of ₹134.91 crores of cigarette, cold-drink, FMG goods in the years 2013-14 and 2014-15 to M/s Sharna Sales Corporation and 4 C forms issued to

Sharna Sales Corporation were given to M/s Tesco Hindustan Wholesaling Pvt. Ltd., details of which is as follows:-

Year	C-Form No.	Amount
2013-14	PBAA/C8194621	₹31,75,18,782/-
2013-14	PBAA/C8194622	₹66,96,20,235/-
2014-15	PBAA/C8194624	₹36,15,83,664/-
2014-15	PBAA/C8194625	₹52,62,632/-

On verifying the return of M/s Sharna Sales Corporation for the year 2013-14 and 2014-15, it was found that this firm had not made any sale purchase during these years. ICC data of the firm was also checked, which revealed that neither the firm had received any material from outside nor had sent any material for sale outside Punjab. This shows that petitioner has sold 4 C-forms to Maharashtra firm and when asked about the details of remaining 26 C-forms, these were not accounted for. In this manner firm of the petitioner had embezzled the VAT amount of 14.30% of the amount of ₹134.91 crores and had also mis-utilized the other 26 C-forms.

Allegations against the petitioner are of financial impropriety and causing loss of revenue to the State. During enquiry, it was found that petitioner had caused loss of State revenue to the tune of 14.30% of the amount of ₹134.91 crores. Other 26 C-forms have also not been accounted for by the petitioner and the same may have also been mis-utilized like 4 C-forms, which have come to the notice of department.

Keeping in view above facts, I do not find it to be a fit case to extend the benefit of anticipatory bail to the petitioner at this stage.

Dismissed.

October 09, 2017 **(SURINDER GUPTA)**
jk **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No