

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-25581-2018
Date of decision: 28.09.2018**

Rajiv Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Atul Goyal, Advocate &
Mr. Sahil Khunger, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 65 dated 27.02.2018, registered under Sections 420, 465, 467, 468, 471, 473 and 120-B of the IPC (Section 122 of the GST Act added later on) Act at Police Station Division No. 5, District Police Commissionerate Ludhiana.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 21.03.2018; he is not involved in any other case; investigation is complete and the challan has been presented.

Learned counsel for the petitioner further submits that as per the allegations in the FIR, petitioner, by preparing the fake bills, has tried to withdraw GST/Input tax. It is further submitted that as per the affidavit, filed by the SHO/Inspector, PS-Division No. 5, Ludhiana, it is stated that the petitioner has not actually withdrawn any amount on false ground nor

any money was disbursed to him out of the government account.

Learned counsel for the petitioner further submits that co-accused of the petitioner, namely Munish Aggarwal, has already been granted concession of regular bail by this Court vide order dated 31.05.2018 passed in CRM-M-16238-2018 (Annexure P-4) and another co-accused Gurpreet Singh has been granted regular bail by Additional Sessions Judge, Ludhiana, vide order dated 15.05.2018 (Annexure P-2).

Learned State counsel has not disputed the aforesaid facts on the basis of the affidavit of the SHO/Inspector, as noticed above.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the offences are triable by the Court of a Magistrate; investigation is complete; challan stands presented; petitioner is in judicial custody since 21.03.2018 and also in view of the fact that he is not involved in any other case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

September 28, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No