IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-19696-2019

Date of Decision: 20.05.2019

Raman Kumar Garg

.... Petitioner

Versus

Assistant Director, Enforcement Directorate

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Jagmohan Bansal, Advocate for the petitioner.

Mr. Lokesh Narang, Advocate for respondent.

<u>RAMENDRA JAIN, J. (ORAL)</u>

Through this petition under Section 439 Cr.P.C., petitioner-Raman Kumar Garg, has prayed for grant of regular bail in Complaint No. 01 dated 02.07.2018 titled as "Assistant Director Vs. Rajeev Mehan and other", under Section 3 and 4 of the Prevention of the Money Laundering Act, 2002.

According to the prosecution, the petitioner fictitiously and falsely claimed VAT refund worth ₹1,14,61,042/- on forged and fabricated papers showing export of goods to the foreign countries. However, on investigation it was found that the petitioner by opening a fictitious firm, prepared false export bills/invoices and various other documents. On the basis thereof, got VAT refund of aforesaid amount.

Learned counsel *inter alia* contends that petitioner is in custody since 12.03.2019. His one plot and house in Ludhiana, worth ₹4 crores against the aforesaid VAT refund, have already been attached by the respondent-complainant. Recovery, if any, of the alleged VAT refund can easily be effected by the respondent-complainant from the aforesaid attached property of the petitioner. Conclusion of trial may take sufficient long time. Therefore, keeping the petitioner any more in jail would not serve any purpose. It is prayed that petitioner may be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the trial Court, besides an undertaking that he would appear on each and every date during trial.

On the other hand, learned counsel for respondent-complainant vehemently opposing the above submissions of learned counsel for the petitioner contends that the alleged house and plot are already mortgaged with the bank. Therefore, entire recovery of aforesaid VAT refund may not be possible from the same. The petitioner is booked in three more cases of similar nature in which investigation is pending. In case, petitioner is released on bail, there is every likelihood of his absconding, because, he is a habitual offender. Therefore, he may not be enlarged on bail.

Having given thoughtful consideration to the rival submissions and the fact that recovery of alleged VAT refund allegedly obtained by the petitioner can be effected from his attached property and further that conclusion of trial may take sufficient long time, this Court feels it appropriate to grant bail to the petitioner pending trial, on his furnishing adequate bail and surety bonds as well as the undertaking aforesaid to the satisfaction of trial Court/Duty Magistrate, concerned. That apart, the petitioner shall surrender his passport with the trial Court and shall not leave the country without prior permission of the Court concerned/trial Court.

May 20, 2019 **(RAMENDRA JAIN)**
rishu **JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No