

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

CWP 9991/2020

Date of decision:16.07.2020

Nitin Jain

.....Petitioner

v.

Directorate General of Goods and Service Tax Intelligence,
Gurugram and others

.....Respondents

**Coram: Hon'ble Mr.Justice Jaswant Singh
 Hon'ble Mr.Justice Sant Parkash**

Present:- Mr.R.S.Rai, Senior Advocate assisted by
 Mr.Gautam Dutt Advocate; Mr.Rajiv Malhotra, Advocate;
 and Mr.Satinder Boparai, Advocate for the petitioner.

Jaswant Singh,J(Oral).

[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court]

Petitioner-Nitin Jain is stated to be proprietor of two firms namely M/s Shiv Trade Incorporation and M/s Om Trade InExim, who are facing proceedings under CGST Act,2017 for the alleged evasion of tax and have been also proceeded against for offences under Section 132(1)(a) (b) (c) (d) read with 132 (1) (i) (ii). In the light of provisions of Section 69 of the CGST Act, the petitioner was arrested. His application seeking default bail under Section 167(2) Cr.PC has been dismissed vide impugned order dated 24.4.2020 (P-2). Hence the challenge in the present writ petition is to the order dated 24.4.2020 (P-2) as also prayer for grant of bail in the light of

law settled by various judgments passed by different High Courts.

In our view the impugned order dated 24.4.2020 passed by JMFC, Gurugram is a revisable order under Section 397 Cr.PC whereas the other claims provide a separate cause of action, if any.

At the time of hearing counsel for the petitioner prays for permission to withdraw the instant petition so as to enable his client to file a fresh writ petition, if so advised, to seek his remedy in accordance with law.

Dismissed as withdrawn with liberty aforesaid.

It is clarified that withdrawal of the present writ petition would not cause any hindrance in filing a fresh writ petition with better particulars showing proper cause of action.

(Jaswant Singh)
Judge

16.07.2020.
joshi

(Sant Parkash)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No