

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-42451-2019
Date of decision: 16.06.2020

Mitha Ram

....Petitioner

versus

State of Punjab and another

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. H.S. Brar, Advocate
for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioner-Mitha Ram who is stated to be aged 29 years, has filed the present petition *inter alia* praying for grant of regular bail in complaint No.2355/2019 dated 13.08.2019, under Section 132(1) a,b,c of Punjab Goods and Service Tax Act, 2017, filed by respondent No.2 before Ld. JMIC, Amloh, District Fatehgarh Sahib, Punjab.

Learned counsel for the petitioner submits that in fact the petitioner is an Income tax payee and for the previous years his income has been shown very low to the tune of Rs.3 lacs approximately per year. He further submits that the petitioner has been falsely implicated in this case.

He however submits that on 02.08.2019, a show cause notice has been given to the petitioner under the provisions of Section 74 of the Punjab GST Act, 2017. Learned counsel submits that once he is released from jail, he will be able to show to the authority that he has been wrongly involved in the case. He then submits that the dispute is primarily civil in nature. Learned counsel however submits that out of 29 witnesses, only 01 witness has been examined till date. Learned counsel for the petitioner then submits that because of the present COVID-19 situation and also the fact that trial is likely to take some time, detention of the petitioner in jail is dangerous to his life. Therefore, petitioner is entitled for regular bail.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct the release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression of opinion on merits of the case. Petitioner is also directed to furnish security worth Rs. 10 lacs in the form of bank guarantee/original paper of immovable property, within 15 days.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

16.06.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No