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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 1692/2020**

**DIRECTORATE GENERAL OF GST INTELLIGENCE, INDORE
REGIONAL UNIT, MADHYA PRADESH** Petitioner

Through: Mr Harpreet Singh, Sr. Standing
Counsel.

versus

MUKESH GARG Respondent

Through: Mr Mukul Rohtagi, Sr. Advocate with
Mr Nalin Talwar and Mr Shubhankar
Jha, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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27.08.2020

[Hearing held through video conferencing]

CRL.M.A. 11494/2020

1. Allowed, subject to all just exceptions.

CRL.M.C. 1692/2020

2. The petitioner (Directorate General of GST Intelligence, Indore Regional Unit) has filed the present petition, *inter alia*, impugning an order dated 13.08.2020 passed by the learned Sessions Judge in Bail Application No.1576/2020, whereby the respondent was granted anticipatory bail.

3. Mr Singh, learned counsel appearing for the petitioner submits that the petitioner has been forum hunting. He had approached this Court on 07.08.2020 by filing a writ petition (W.P.(Crl.) 1208/2020 captioned 'Shri

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Mukesh Garg v. State Through Govt. of NCT of Delhi & Anr.) praying that appropriate directions be issued restraining the respondent (petitioner herein) from infringing the fundamental right of life and liberty. The respondent had impugned a notice dated 20.06.2020 issued by the petitioner, whereby he was called upon to appear before the Additional Assistant Director, Indore at 11:00 hrs. on 25.06.2020 to tender his statement and produce documents as specified in the said notice.

4. Considering the outbreak of COVID-19 and the prevalent restrictions on travelling, this Court had passed an order granting protection from the petitioner for a period of forty-five days. The Court had expressly permitted the petitioner to issue fresh summons requiring the respondent to appear at Indore after a period of forty-five days.

5. At the outset, Mr Rohtagi, learned senior counsel appearing for the respondent, fairly stated that the remedy availed by the respondent for filing anticipatory bail in the given circumstances was erroneous. However, he also highlighted the respondent's apprehension of facing coercive proceedings without any notice or without any immediate remedy. He further stated that he would have no objection if the impugned order granting him bail is set aside subject to the condition that the petitioner shall issue a one week's notice in case the petitioner or its officers propose to take any coercive action against the respondent.

6. Considering the peculiar circumstances of this case and the concession made by Mr Rohtagi, this Court considers it apposite to set aside the impugned order dated 13.08.2020. It is so directed.

7. In addition, it is also directed that in the event, the petitioner or any of

its officers propose to take any coercive action against the respondent, the petitioner shall serve a weeks prior notice.

8. The petition is allowed with the aforesaid directions.

VIBHU BAKHRU, J

AUGUST 27, 2020
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