

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

**\*\*\***

**CRM-M-36242 of 2021**

**Date of decision: 02.12.2021**

Jiwan

Petitioner

Versus

Directorate General of GST Intelligence (DGGI)

Respondents

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. SPS Aulakh, Advocate for the petitioner.  
Mr. Sourabh Goel, Advocate for the respondent.

**\*\*\*\***

**AVNEESH JHINGAN, J (Oral):**

This petition under Section 482 Cr.P.C. is filed for modifying the conditions imposed by Additional Sessions Judge, Ludhiana vide order dated 26.7.2021 for grant of default bail.

The brief facts are that it is alleged that petitioner-Jiwan had created fake firms, got them registered with the authorities of Goods & Service Tax and was indulging in availing and facilitating bogus input tax credit by issuing bills. On failure of the prosecution to file challan within the stipulated period, an application was filed seeking bail under Section 167(2) Cr.P.C. The default bail was granted subject to furnishing bail bonds in the sum of Rs.1,00,00,000/- with two sureties and FDR of Rs.60,00,000/-. In the revision, the conditions were modified and bail was made subject to furnishing of bail bond of Rs.40,00,000/- each with two sureties and bank guarantee/FDR of Rs.20,00,000/-.

Learned counsel for the petitioner submits that the conditions imposed for granting of default bail are harsh. The petitioners offers as a security a house situated at Cemented Colony, Mandi Gobindgarh Road, Ward No. 8, Amloh, District Fatehgarh Sahib owned by his wife which is free from all encumbrances.

Learned counsel for the respondent has produced instructions dated 7.10.2021 received by him. The same is taken on record and is quoted below:

*“This is with reference to the hearing held in the subject case on 23.9.2021, wherein, the petitioner, through his counsel, has submitted before the Hon'ble Court that he is not in position to comply with the amended conditions imposed vide order dated 26.7.2021. It has also been submitted that the wife of petitioner owns 100 yards house in Amloh and she is ready to furnish surety of that house.*

*In this matter, you may intimate the court that this office has no objection to plea of the petitioner's wife regarding furnishing of 100 sq. yards house in Amloh as surety provided it is established that the said house is in her name as per Revenue records.”*

It would be appropriate to note that till date no quantification has been done by passing the order. However, in view of the offer made by the petitioner, the revision petition is allowed. The impugned order is modified to the extent that the petitioner shall be released on bail subject to furnishing of surety of the house, as referred to above.

**[AVNEESH JHINGAN]  
JUDGE**

**2<sup>nd</sup> December, 2021**

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|-------------------------------|---|---------|
| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable         | : | Yes /No |