

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

101

**CRM-M-42336 of 2019
Date of Decision:15.12.2021**

Ramesh Mehan

..... Petitioner

Versus

Assistant Director, Directorate of Enforcement

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. J. S. Bedi, Advocate,
for the petitioner.

Mr. Lokesh Narang, Advocate,
for the respondent.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, filed under the provisions of Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, upon Complaint no.ECIR/09/JIZO/2013 in FIR no.221 of 14.11.2013, having been registered at Police Station Division No.5, District Ludhiana, alleging therein the commission of offences punishable under Sections 420, 467, 468 and 471 of the IPC as also Sections 3 and 4 of the Prevention of the Money Laundering Act, 2002.

On 28.09.2021 the following order had been passed by this court:-

“Case heard via video conferencing.

Learned counsel for the petitioner has argued that the petitioners' firm having duly supplied the order placed on it by one M/s Jal Dhara Exports, and having claimed Input Tax Credit (ITC) for that delivery from the said firm, it is not the fault of the petitioner or his firm that M/s Jal Dhara did not actually make any export of the

delivered goods but still claimed ITC from the department in that regard.

Upon specific query put to counsel for the respondent Enforcement Directorate in that regard, he seeks time to take instructions, with him also wishing to refer to the charge-sheet filed as was taken on record alongwith the affidavit of the respondent, dated 05.04.2021.

Adjourned to 01.10.2021.

To be shown in the urgent motion list.

In view of the fact that that basic query has not been answered before this court and the petitioner is stated to be 78 years old, his arrest shall remain stayed till that date only.

It is made clear that any request for an adjournment made on that date by counsel for the petitioner would entail immediate vacation of the interim order.”

Thereafter a detailed order was passed on 01.10.2021, directing the petitioner to surrender before the trial court within one week of that date, upon which he was to be admitted to interim bail to the satisfaction of that court, with it also made clear that if the respondent Directorate required that he joins investigation, he would do so.

On 01.12.2021 the following order had been passed by this court:-

“Case heard via video conferencing.

Even as per learned counsel for the respondent-Directorate, the petitioner is stated to have surrendered before the trial court and has been admitted to bail to the satisfaction of that court, in terms of the order of this court dated 01.10.2021.

However, it is seen that no affidavit has been filed answering the query raised by this court as to whether the petitioner can be attributed any *mens rea* at all qua the claim of ITC by M/s Jal Dhara Exports (as referred to in the order dated 01.10.2021).

An affidavit of a gazetted officer be filed with respect to that

specific issue raised by this court in that order, or alternatively, it would be at least stated on affidavit by a gazetted officer as to whether the petitioners' custodial interrogation is required for any reason whatsoever, it already having been noticed that he is 78 years old.

Adjourned to 15/.12.2021.

Interim order to continue, till the next date of hearing.

To be shown in the urgent motion list.”

Pursuant thereto, an affidavit dated 13.12.2021 has been filed, executed by the Assistant Director, Directorate of Enforcement, from which learned counsel for the respondent points to paragraph 3, wherein it is stated that the petitioner having joined investigation, his custodial interrogation is not required, though in the next paragraph it is stated that earlier he was avoiding joining proceedings.

That being so, without making any comment on the actual merits of the case, the order admitting the petitioner to interim bail is made absolute, on the same terms and conditions.

December 15, 2021
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No