

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

101+207

CRM-M-3550-2022 (O&M)

Date of decision: 31.03.2022

Vipul Jindal

.....Petitioner

Versus

State of Haryana through HGST Officer, Panipat

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parminder Singh, Advocate
for the applicant/petitioner.

Mr. Rohit Arya, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-12147-2022

For the reasons mentioned in the application, the same is allowed and copies of orders passed in CWP No.8004 of 2020 and CWP No.18184 of 2020 are taken on record as Annexures P-12 to P-14,

CRM-M-3550-2022

The petitioner is seeking concession of bail under Section 439 of the Cr.P.C. in Complaint Case bearing No.COMA-2015 dated 27.06.2019/14.02.2020 (Annexure P-2) in a case No.GST/PNP/01 under Section 132 of the Haryana Goods and Services Tax Act, 2017.

In compliance of order dated 23.03.2022 a short affidavit on behalf of the Superintendent, District Jail, Panipat qua the health condition of the petitioner has been filed which is taken on record subject to all just exceptions.

This is the petitioner's second petition under Section 439 of the Cr.P.C. previous one having been dismissed as withdrawn on 22.02.2021.

On a pointed query put to the learned counsel as to what

was the material change in circumstances subsequent to the withdrawal of the previous petition on 22.02.2021, he submits that the vires of Sections 69 and 132 of the Haryana Goods and Services Tax Act, 2017 stands challenged before a Division Bench of this Court in a bunch of cases including CWP No.8004 of 2020. In the aforesaid writ petitions vide order dated 12.06.2020, the trial Court has been directed to adjourn the case beyond the date fixed before that Court.

Learned counsel for the petitioner contends that co-accused Rajesh Mittal, the alleged kingpin of the entire scam along with 2 other accused, Inder Partap Singh and Manish have been extended the concession of bail by a Coordinate Bench of this Court vide order dated 29.10.2021 (Annexure P-3). It has further been contended that the petitioner is languishing in custody since 12.09.2020 and since the trial, has come to a standstill in view of the orders passed by a Division Bench of this Court in the aforementioned writ petitions, his further incarceration would not serve any useful purpose. He also submits that the petitioner is not involved in any other criminal case.

Per contra, learned State counsel does not dispute the submissions made by the counsel opposite that the trial has come to a standstill on account of the interim orders passed in CWP No.8004 of 2020 etc. by a Division Bench of this Court. Learned State counsel submits that challan was presented on 09.11.2020, however, charges have still not been framed. He, however, submits that the petitioner in connivance with the co-accused Rajesh Mittal, who is his brother-in-law, caused a huge loss of about Rs.80 crores to the State exchequer on the basis of fake transactions by floating bogus firms. Learned State

counsel submits that the instances of various money transactions into the personal accounts of the accused including the petitioner, from the bogus firms floated by them clearly showed his complicity in the scam.

Learned State counsel on instructions has conceded that Rajesh Mittal, who is the alleged kingpin of the scam has since been released on bail but submits that accused Rajesh Mittal had been in custody for a longer period than the petitioner. He has, however, not been able to controvert the submissions made by the counsel opposite that the petitioner is not involved in any other criminal case much less of similar nature.

Heard and perused the relevant material on record.

In the facts and circumstances as enumerated hereinabove, moreso, since the charges have also not yet been framed and the trial has not been proceeding in view of the orders passed by a Division Bench of this Court in CWP No.8004 of 2020 etc., this Court deems it fit to extend the concession of bail to the petitioner as the trial will take considerable time to conclude and his further incarceration would not serve any useful purpose.

Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

31.03.2022

Vinay

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No