

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

203

CRM-M-25558-2022

Date of decision: 16.06.2022

Shreya Aggarwal @ Shreya

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE M.S. RAMACHANDRA RAO

Present:- Mr. Sandeep S. Majithia, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

M.S. RAMACHANDRA RAO, J. (ORAL)

Petitioner is seeking regular bail in case FIR No.0030 dated 13.03.2021, under Sections 406, 420, 465, 467, 468, 471, 120-B of IPC and Section 201 IPC added subsequently, registered at Police Station PAU, Ludhiana.

Counsel for the petitioner contends that previously another complaint was made in the year 2020 under Section 132 of the Central Goods and Services Tax Act, 2017 and Punjab State Goods and Services Tax Act, 2017 read with Section 20 of Integrated Goods and Services Tax Act, 2017 making identical allegations to those contained in the instant FIR dated 13.03.2021; that the petitioner had approached the Additional Sessions Judge, Ludhiana for regular bail vide bail application No.2623 of 2021 and the petitioner was given concession of regular bail vide order dated 18.05.2021 subject to certain conditions.

Counsel contends that it is not permissible for the GST Authorities to lodge a second complaint on identical allegations and harass the petitioner. It is contended that immediately after the petitioner secured bail pursuant to the order dated 18.05.2021, the present case was registered against her and she was again arrested on 18.05.2021 and is in custody till today. It is also stated that the petitioner had approached for regular bail in this complaint to the Sessions Judge, Ludhiana who dismissed it on 04.04.2022.

State has filed reply reiterating the contents of the complaint. Reading of the reply filed by the State discloses that the allegations against the petitioner are identical with those contained in the previous complaint, in which the petitioner had secured regular bail on 18.05.2021, though at para 10 of reply, it is stated that the facts of the present case are different and that no FIR was registered in relation to the same occurrence.

Admittedly, the petitioner is in custody in this case since 09.12.2020 and though the petitioner had secured bail on 18.05.2021 on a complaint containing identical allegations, the said benefit has been denied by filing a second complaint containing the same allegations.

In these circumstances, petition is allowed and petitioner is ordered to be released on regular bail subject to furnishing bail bonds in the sum of Rs.10,00,000/- (Rs. Ten Lacs) with one surety in the like amount to the satisfaction of the learned Illaqa Magistrate/Duty Magistrate with the conditions:-

- i) That the petitioner shall not leave India without the prior permission of the trial Court;

- ii) That the petitioner shall not give any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade her from disclosing such facts to the court;
- iii) That the petitioner shall given an undertaking that she shall not alienate the immovable properties owned by her to any one in any manner till final disposal of this case in the Court.

16.06.2022
pooja saini

(M.S. RAMACHANDRA RAO)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No