

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

**CRM-M-28003-2022
Date of decision: 05.07.2022**

Ganga Ram

...Petitioner

Versus

State of U. T., Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Abhimanyu Kalsy, Advocate
for the petitioner.

Mr. Abhinav Gupta, Addl. P. P., U. T., Chandigarh.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 390 dated 16.12.2019, registered under Sections 420, 467, 468, 471 and 120-B of the IPC at Police Station Sector 17, Chandigarh.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and as per status report filed before the Additional Sessions Judge, during investigation, it is found that mobile number 78373-00234, which was given by co-accused Abhishek Modgil while applying for GSTIN number, was in fact in the name of the petitioner and another mobile number 73553-00087 also belongs to petitioner, which is linked with bank account number 045001508471 of ICICI Bank of co-accused Abhishek Modgil, which is given in GST Department.

Learned counsel further submits that the petitioner was granted interim anticipatory bail by the Additional Sessions Judge and he had joined investigation, however, as per second status report, it was stated that the petitioner has not joined investigation and not cooperating in investigation,

therefore, his bail application was dismissed.

Learned counsel for the petitioner further submits that as per allegations in the FIR, it is found that co-accused Abhishek Modgil, who is the nephew of the present petitioner, has raised fake bills/documents being the proprietor of M/s Mahadev Metals and he has availed the benefit of GST to the tune of more than Rs. 4 crores and the petitioner is neither proprietor nor the partner in the said firm.

It is further submitted that co-accused Abhishek Modgil has already been granted the concession of anticipatory bail by this Court noticing the fact that he is an illiterate person and he has been made scapegoat in the present case.

Learned counsel, appearing for the respondent-U.T., Chandigarh, on instructions from SI Sanjay Dutt, has opposed the bail on the ground that in a complaint initiated by the Directorate of Enforcement with regard to serious allegations of money laundering, the anticipatory bail application of the petitioner stands dismissed by the Special Judge, PMLA, Chandigarh on 04.06.2022 and the petitioner has not come forward despite being issued various notices and even has not furnished bail bonds in the Court of CJM, Chandigarh.

Learned counsel for the respondent-U.T., Chandigarh further submits that in fact is the petitioner, who was doing the business in the name of his nephew Abhishek Modgil, though he himself claimed to be a scrap dealer.

It is further submitted that during investigation, it has come that mobile phone attached with the bank accounts and GSTIN application in fact belongs to petitioner and he was the person, who was running the entire

business and has committed a fraud of tax evasion of more than Rs. 4 crores.

Learned counsel for the respondent-U.T., Chandigarh has lastly argued that the FIR pertains to the year 2019 and for a period of about three years, the petitioner is evading his arrest and has filed the present petition seeking anticipatory bail only in 2022.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the serious allegations against the petitioner, this Court finds no ground to grant him the concession of anticipatory bail.

Accordingly, the present petition is dismissed.

05.07.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No