

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

Date of Decision: 15th December, 2022

(1) CRM-M-43223 of 2022

Rajiv Dutta

Petitioner

Versus

State of Punjab

Respondent

(2) CRM-M-48736 of 2022

Kunal Verma

Petitioner

Versus

State of Punjab

Respondent

(3) CRM-M-55953 of 2022

Charanjeet Singh Ghataure

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. G. S. Ghuman and Mr. GPS Ghuman and
Mr. Ramandeep Singh, Advocates for the
petitioners.
Mr. Gaurav Garg Dhuriwala, Addl. AG, Punjab.

AVNEESH JHINGAN, J (Oral):

These three petitions under Section 438 Cr.P.C. are filed
seeking anticipatory bail in FIR No. 8 dated 21.8.2020, under Sections 7,

7(A) and 8 of the Prevention of Corruption Act and Sections 420, 465, 467, 468, 471, 201 and 120-B IPC, registered at Police Station Vigilance Bureau, Punjab F. S.-1, Mohali.

Learned counsel for the petitioners claim parity with co-accused-Mangal Sain Goyal who was granted anticipatory bail by this Court on 13.8.2021 in CRM-M-25903 of 2021.

On 13.8.2021, this court passed the following order:

“The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in case of FIR No.8 dated 21.8.2020 under Sections 420, 465, 467, 468, 471, 201, 120-B IPC and Section 7, 7(a) and 8 of the Prevention of Corruption Act, 1988 Police Station Vigilance Bureau, Phase-I Mohali.

The FIR was with regard to Tax Evasion Scam detected by Vigilance. As per the allegations there was a large scale tax evasion in which various officials of Goods and Service Tax, (GST) Department, transporter, passers and dealers were involved. During investigation, the name of the petitioner surfaced in disclosure statement of Jasmeet Singh and Sukhwinder Singh @ Shinda. The allegations are that the petitioner is owning a company namely Mangal Transport at Bathinda and as per the disclosure statement he was actively member involved in evasion of tax.

Learned counsel for petitioner submits that apart from the disclosure, there was not even a single allegation with regard to role of the petitioner or the modus-operandi being adopted him.

Learned State counsel opposes the grant of bail relying upon the pleadings in the reply filed.

From the reply, it is forth coming that no other material

whatsoever worth, apart from the disclosure statement is against the petitioner. In such circumstance it would not be appropriate to deny the personal liberty. The petitioner is granted interim bail subject to joining the investigation within one week. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join investigation as and when called for. He shall be bound by the conditions as envisaged under Section 438(2) Cr.P.C.

Adjourned to 8.9.2021.

It is clarified that nothing stated hereinabove shall be construed as an observation on the merits of the case.”

Learned counsel for the State though opposes the prayer for grant of pre-arrest bail, he is not able to distinguish the parity of the petitioners with the co-accused so far as grant of interim anticipatory bail is concerned. He further contends that considering the nature of allegations, there are chances of the petitioners leaving the country.

At this stage, learned counsel for the petitioners on instructions submit that the petitioners volunteer to surrender the passports, if possessed by them.

Considering the facts in entirety and on the basis of parity of the petitioners with the co-accused so far as grant of anticipatory bail is concerned, the petitioners are granted anticipatory bail subject to their joining investigation within one week and thereafter appearing before the Investigating Officer as and when called for. In the event of arrest, they shall be released on bail subject to their furnishing adequate bail bonds to the satisfaction of the Investigating Officer. They shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. The petitioners are

also directed to deposit their passports, if possessing.

It is clarified that in case of non-appearance of the petitioners in the investigation or change in circumstances, the State would be at liberty to avail remedies in accordance with law.

The petitions are allowed.

Photocopy of the order be placed on the file of each connected case.

[AVNEESH JHINGAN]
JUDGE

15th December, 2022
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |