

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of Decision: 15th December, 2022

(1) CRM-M-41738 of 2022 (O&M)

Rajinder Singh @ Lovely

Petitioner

Versus

State of Punjab

Respondent

(2) CRM-M-49128 of 2022 (O&M)

Avtar Singh

Petitioner

Versus

State of Punjab

Respondent

(3) CRM-M-50650 of 2022 (O&M)

Pawan Kumar Sharma @ Kala Pandit

Petitioner

Versus

State of Punjab

Respondent

(4) CRM-M-50918 of 2022 (O&M)

Sachin Kumar

Petitioner

Versus

State of Punjab

Respondent

(5) CRM-M-51904 of 2022 (O&M)

Randhir Singh

Petitioner

Versus

State of Punjab

Respondent

CRM-M-41738 of 2022 (O&M) and connected matters [2]

(6) CRM-M-52054 of 2022 (O&M)

Balwinder Singh

Petitioner

Versus

State of Punjab

Respondent

(7) CRM-M-52516 of 2022 (O&M)

Ajay Kumar

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. APS Deol, Senior Advocate with Mr. Himmat Singh Deol, Advocate for petitioner in CRM-M-41738 of 2022.
Mr. P. S. Paul, Advocate for petitioner in CRM-M-49128 of 2022.
Mr. J. S. Bedi, Advocate for petitioner in CRM-M-50650 of 2022.
Ms. Pooja Chopra, Advocate for the petitioners in CRM-M-50918 of 2022 and CRM-M-52054 of 2022.
Mr. Kumar Vishav Aggarwal, Advocate for the petitioner in CRM-M-51904 of 2022.
Ms. Swaranjeet Kaur, Advocate for the petitioner in CRM-M-52516 of 2022.

Mr. Gaurav Garg Dhuriwala, Addl. Advocate Genral, Punjab.

AVNEESH JHINGAN, J (Oral):

These seven petitions are filed seeking regular bail in FIR No. 8 dated 21.8.2020, under Sections 7, 7(a), 8 of the Prevention of Corruption Act, 1988 and Sections 420, 465, 467, 468, 471, 201, 120-B IPC registered at Police Station Vigilance Bureau, Phase-I, SAS Nagar, Mohali.

The names of the petitioners and their custody period is tabulated below:

Sr. No.	Name of the petitioner	Date of arrest
1.	Rajinder Singh @ Lovely	2.8.2022
2.	Avtar Singh	13.9.2022
3.	Pawan Kumar Sharma @ Kala Pandit	12.9.2022
4.	Sachin Kumar	12.9.2022
5.	Randhir Singh	13.9.2022
6.	Balwinder Singh	12.9.2022
7.	Ajay Kumar	13.9.2022

The FIR was result of information received that there was a large scale evasion of Goods & Services Tax (for short, 'GST') in the State of Punjab. Acting on the information after taking due permission, mobile phones of some of the co-accused were tapped. On the basis of the information collected, some officials of the GST Department, traders, transporters and persons like the petitioners alleged to be passers were nominated. As per the case set up, monthly bribes were being paid to the officials of the GST Department. In connivance, sales and purchases inter-state and intra-state were being conducted either without accounting for it or without payment of due tax. The allegations are that with such chain of transactions, bogus input tax credits were being availed.

Learned counsel for the petitioners rely upon the custody period for grant of bail. The contention is that investigation is complete, challan stands presented and the petitioners were named by the co-accused during interrogation. It is further argued that the trial is not going to progress as sanction qua the officials of the Excise and Taxation Department has not been granted till date. They rely upon the fact that the co-accused were granted bail by this court.

Learned counsel for the State on instructions from DSP-Tajenderpal Singh (VB) opposes the prayer for grant of bail. He however,

fairly submits that investigation qua the petitioners is complete and challan stands presented. He is further not disputing that sanction to prosecute the officials of the department is awaited.

Without commenting on the merits of the case, taking into account that co-accused were granted bail by this court, though investigation qua the petitioners is complete conclusion of trial is likely to take time, more so when sanction to prosecute for the co-accused is still awaited, the petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petitions are allowed.

It is clarified that observations made herein above shall not be construed as an expression of opinion on the merits of the case.

Since the main petitions have been disposed of, pending application(s), if any, are rendered infructuous.

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 |