

212 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-7671-2022

Date of Decision:28.07.2023

Directorate General of Goods and  
Service Tax Intelligence, Chandigarh

...Petitioner

vs.

Sahil Garg

...Respondent

**Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present : Mr. Saurabh Goel, Advocate with  
Ms. Shivani Sahni, Advocate and  
Mr. Tej Bahadur, Advocate, for the petitioner.Mr. Gautam Dutt, Advocate  
for the respondent.

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**N.S.Shekhawat J. (Oral)**

The petitioner has filed the present petition under Section 439(2) read with Section 482 Cr.P.C. with a prayer to set aside the impugned order dated 03.12.2021 (Annexure P-5) passed by learned Additional Sessions Judge, Fatehgarh Sahib, whereby the regular bail was granted to the respondent/accused.

At the outset, learned counsel for the petitioner contends that while granting the concession of bail to the respondent/accused, the learned Additional Sessions Judge, Fatehgarh Sahib has wrongly recorded that the respondent/accused was neither the manager nor owner nor proprietor nor partner of the firms, which were involved in the crime. He further contends that certain observations have been made by the learned Additional Sessions Judge, Fatehgarh Sahib, which may prejudice the case of the petitioner before the learned trial Court. He further submits that he shall be satisfied that in case the

order passed by the learned Additional Sessions Judge, Fatehgarh Sahib is modified to the extent that observations in the impugned order were made only for the limited purpose of grant of bail to the respondent.

Learned counsel appearing on behalf of respondent fairly submits that he has no objection to the prayer made by learned counsel for the petitioner.

It is not in dispute that vide the impugned order dated 03.12.2021 (Annexure P-5) passed by the learned Additional Sessions Judge, Fatehgarh Sahib, regular bail was granted to respondent by taking into consideration the arguments made by learned counsel for both the parties. It is well settled that the observations in an order granting bail are always made only for the limited purpose of disposal of a bail application filed by an accused.

Consequently, the impugned order dated 03.12.2021 (Annexure P-5) passed by the learned Additional Sessions Judge, Fatehgarh Sahib is ordered to be modified to the extent that the observations in the said order were made only for the purposes of disposal of the bail application and the trial Court shall decide the main case on the basis of the evidence led by both the parties, uninfluenced by the observations made in the impugned order dated 03.12.2021 (Annexure P-5).

The present petition is, accordingly, disposed off.

**(N.S.SHEKHAWAT)**  
**JUDGE**

**28.07.2023**  
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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |