

(214)

2023:PHHC:090977

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23890 of 2023

Date of Decision: July 19, 2023

Mohit Arora

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Prayer in this petition filed under Section 438 Cr.P.C., is to grant anticipatory bail to the petitioner in case FIR No.63 dated 21.04.2023 registered under Sections 379, 120-B IPC (Sections 109, 206, 407, 420, 457 IPC added later on vide G.D. No.28 dated 26.04.2023) at Police Station Dugri Ludhiana, District Ludhiana.

Allegations are that commercial vehicle bearing No.PB10-HF-6479 was detained by ETO Randhir Singh under the provisions of Section 68 of the GST Act on 12.04.2023, on suspicion of tax evasion. The vehicle was taken to the Office of Mobile Wing located at SCO 66, Urban Estate Phase-2, Dugri, Ludhiana. Registered owner of the said vehicle is Mr. M/s Raftaar Cargo Solutions, Ludhiana, i.e. firm of the petitioner. It is alleged that on 20.04.2023, an unknown person in collusion with the petitioner unlawfully took away the vehicle from the custody of the department. After registration of the present FIR under Section 379 IPC and 120-B IPC, the vehicle was apprehended on

21.04.2023 and at that time, it was being driven by Om Parkash, who on interrogation disclosed that vehicle was removed from the custody of Tax Department by Farid. Said Farid was also arrested. On the subsequent complaint made on 26.04.2023 by the complainant, Sections 206, 407, 420, 457 and 109 IPC were incorporated.

Contention of learned counsel for the petitioner is that he is not involved in taking away the vehicle from the Tax Department; that it is Farid who allegedly took away the vehicle and the petitioner is being roped in only because of the reason that he is the owner of the vehicle. It is further contended that vehicle has already been taken into possession by the police authorities and material lying therein was recovered and that he is ready to join the investigation.

Status report by way of affidavit of Shri Rajesh Kumar, ACP, Ludhiana (South) filed on behalf of the respondent- State would reveal that on completion of investigation, challan qua accused Om Parkash has already been presented in the Court. Petitioner is being sought to be arrested only on the basis of disclosure statement of co-accused Om Parkash.

Having regard to the afore-said facts and circumstances of the case, but without commenting anything on the merits of the case, petitioner is admitted to anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail by the Investigating Officer subject to his furnishing bail bonds/ surety bonds to the satisfaction of Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by

the Investigating Officer. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

However, in case petitioner fails to co-operate in the investigation, the respondent- State will be at liberty to approach this Court for cancellation of bail.

July 19, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No