

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-25789-2023 (O&M)
Date of Decision:-11.8.2023

Vishal Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurcharan Singh Bains, Advocate for the petitioner.

Mr. Inderpreet Singh Kang, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
21	4.11.2022	Vigilance Bureau, Phase-1, Mohali, Punjab	420, 465, 467, 468, 471, 120-B of Indian Penal Code and 7, 7-A and 8 of Prevention of Corruption Act, 1988 as amended by PC (Amendment) Act, 2018.

GURVINDER SINGH GILL, J. (Oral)

1. This is the second petition filed on behalf of the petitioner seeking grant of anticipatory bail in respect of the abovementioned FIR. The first petition was dismissed as withdrawn vide order dated 5.5.2023 (Annexure P-3) passed in CRM-M-20015-2023.
2. The FIR was lodged pursuant to receipt of secret information to the effect that there was a scam of Goods and Services Tax (GST) evasion going on, which

was being carried out in connivance with officials of the department. The secret information was further to the effect that vehicles carrying scraps would be passing through the District via Ambala National Highway and that in case checking is conducted, it can be found that the scrap was either being transported without bills or on the basis of fake/less bills.

3. It is further the case of prosecution that the petitioner came to be nominated as an accused on the basis of a disclosure statement made by a co-accused. The petitioner is alleged to be a “passer”, who used to facilitate smooth movement of the vehicles while coordinating with the officials of Enforcement Staff. The petitioner had earlier also approached this Court seeking grant of anticipatory bail by way of filing CRM-M-20015-2023 (Annexure P-3), wherein after issuing notice of motion, the State had filed status report, but the said petition was subsequently withdrawn on 5.5.2023. The said order is reproduced hereinunder:

- “1. The petitioner seek grant of anticipatory bail in respect of the abovementioned FIR.
2. Status report by way of affidavit of Shri Achhru Ram Sharma, PPS, Deputy Superintendent of Police, Economic Offences Wing, Vigilance Bureau, Punjab, S.A.S. Nagar has been filed by learned State counsel, which is taken on record.
3. Today, at the very outset, learned counsel for the petitioner submits that he may be permitted to withdraw the present petition with liberty to surrender before the trial Court and to apply for grant of regular bail.
4. In view of the aforesaid request, the present petition is dismissed as withdrawn with liberty aforesaid.
5. However, in case the petitioner surrenders before the trial Court within a period of 2 weeks from today and applies for grant of regular bail, the learned trial Court shall endeavour to dispose of the same

expeditiously preferably within a period of less than 1 week from filing of such application while duly taking into account the contention of the petitioner that he is not involved in any other case.”

4. No explanation is forthcoming as to why the petitioner despite having stated before this Court that he would be surrendering before the Trial Court and has chosen not to do so. In any case, even on merits, this Court does find that the role of petitioner is such, which needs to be thoroughly investigated so as to find out the *modus operandi* and the possible involvement of others including officials of the department concerned. The instant petition, as such, is sans merit and is hereby dismissed.

11.8.2023

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No