

(283)

2023:PHHC:091019

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-26509 of 2023

Date of Decision: July 19, 2023

Om Parkash

...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.

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**DEEPAK GUPTA, J.(Oral)**

Prayer in this petition filed under Section 439 Cr.P.C., is to grant regular 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 (petitioner), 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 driver 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. It is stated further by learned counsel for the petitioner that challan has already been filed after completion of investigation; that the petitioner is in custody since 21.04.2023 i.e. for the last approximately three months and that trial may take time to conclude.

Learned State Counsel has opposed the petition.

Case is triable by the Magistrate. Challan has already been filed. Trial may take time to conclude. Petitioner has no criminal antecedents.

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 bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

Disposed of.

**July 19, 2023**

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**(DEEPAK GUPTA)**

**JUDGE**

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No