



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3649-2020 (O&M)

Date of decision: 13.05.2024

Rajiv Gupta

...Petitioner

Versus

Geeta

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Mohit Bassi, Advocate for
Mr. Sandeep Goyal, Advocate for the petitioner.

Mr. Sunish Bindlish, Advocate with
Mr. Sagar Ratu Sharda, Advocate for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of Cr. P.C. for grant of bail pending trial to the petitioner in complaint No. COMA-107 of 2019 dated 20.12.2019 pending before learned Additional Chief Judicial Magistrate, Gurugram titled as '*Smt. Geeta, Deputy Director, Directorate General of Goods & Services Tax Intelligence, Gurugram Vs. M/s RST Batteries & Others*' under Section 132 of the Central Goods and Services Tax Act, 2017 read with Section 20 of the Integrated Goods and Services Tax Act, 2017.

(2) Learned counsel contends that petitioner was granted interim bail by learned Judicial Magistrate 1st Class, Gurugram (for short, "JMIC") on 26.03.2020 and the same is continuing as on today. Further contends that complaint is pending for recording the preliminary evidence on 28.08.2024; hence, petitioner be granted concession of regular bail.

(3) *Per contra*, learned counsel for the respondent, while opposing the prayer, submits that petitioner was granted interim bail during Covid-19, on 26.03.2020 and the same has been extended from time to time by learned ACJM/JMIC; hence, present petition is not maintainable.

- (4) Heard learned counsel for the parties and perused the paper-book.
- (5) It transpires that present petition was filed for seeking regular bail on 22.01.2020 and during the pendency of same, petitioner was granted interim bail by learned JMIC on 26.03.2020. It is acknowledged by both side that interim concession granted to the petitioner, has been extended from time to time by learned ACJM/JMIC and the same is still continuing.
- (6) There is no quarrel that in view of the order dated 20.11.2020 passed in ***Special Leave to Appeal (Crl) No. 5385-2020*** titled as '***Manish Jain vs. Haryana State Pollution Control Board***' by Hon'ble the Supreme Court, the interim concession granted during Covid-19, in such case(s) has come to an end.
- (7) At the same time, it is noteworthy that as on today, petitioner is not in custody; rather he is on interim bail.
- It is not the allegation of respondent that petitioner has misused the concession of interim bail during the last four years.
- (9) In such a scenario, instead of entertaining the parallel proceedings under Section 439 Cr.P.C., this Court deems it appropriate to dispose off the present petition, while granting liberty to the petitioner to take recourse for seeking regular bail before the Court of competent jurisdiction, where complaint in stated to be pending.
- (10) Disposed off accordingly.
- (11) However, it is clarified that above observations be not construed as an expression of opinion on the merits of controversy, in any manner.
- (12) Pending application(s), if any, shall also stand disposed off.

13.05.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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