

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-6115-2020 (O&M)
Date of decision : 05.02.2024**

Sunny Singhal

...Petitioner

Versus

Directorate General of Goods and Services Tax
Intelligence (DGGI), Rohtak, through Assistant Director

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Pankaj Jain, Senior Advocate with
Mr. Sachin Bhardwaj, Advocate and
Mr. Divya Suri, Advocate,
for the petitioner.

Mr. Tajender Joshi, Advocate,
for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 read with Section 437(6) of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in Criminal Complaint No.COMA-400 of 2019 dated 24.08.2019, under Section 132 of the Central Goods & Services Tax Act, 2017 (for short 'CGST Act') (P-1) pending before learned Chief Judicial Magistrate, Rohtak.

(2) Allegations against petitioner are that he floated seven bogus firms by the name M/s S.V. Textile, M/s Sai Nath Enterprises, M/s D.K. International, M/s Paras Trading Company, M/s A2Z Enterprises, M/s Malar Enterprises and M/s Jai Maa Trading Company; got GST registrations and opened bank accounts of these firms by using forged and fabricated documents and fraudulently issued invoices without actual movement of goods to avail and pass input tax credit (ITC) for utilization in payment of GST.

(3) This Court, on 22.11.2023, granted interim bail to the petitioner in following manner:-

“Learned Senior counsel contends that petitioner is in custody since 26.06.2019 to 01.04.2020 and thereafter, w.e.f. 22.09.2022 till date.

Since no one is appearing on behalf of the sole respondent, purely in the interest of justice, posted for 11.01.2024.

In the meantime, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

(4) Learned Senior counsel for the petitioner contends that maximum punishment prescribed under Section 132 of the CGST Act is five years and petitioner had already remained incarcerated for a period of 23 months and 4 days. Also contends that in compliance of order dated 22.11.2023 (supra), petitioner is regularly appearing before the Court below and there is no apprehension or allegation that he is likely to misuse the concession in any manner.

(5) Learned counsel for the sole respondent is not able to dispute the above factual position, but still opposed the prayer of petitioner

- (6) Heard both sides and perused the paper-book.
- (7) There is no dispute that under Section 132 of the CGST Act maximum punishment prescribed is five years and petitioner has already remained in custody for more than 23 months. He was granted interim bail on 22.11.2023 and regularly appearing before the Court below. There is no allegation that in case petitioner is granted bail pending trial, he will misuse the concession in any manner; thus, in such a scenario, sending him in custody at this stage would not serve any purpose.
- (8) Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 22.11.2023, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
- (9) Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.
- (10) The above observations may not be construed as an expression of opinion on the merits of the case.
- (11) It is clarified that in case there is any misuse of concession of bail on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (12) Disposed off accordingly.
- (13) Pending application(s), if any, shall also stand disposed off.

05.02.2024
monika

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>