

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-16605-2024
Date of decision: 07.05.2024

VIBHOR GARGPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Gautam Dutt, Advocate for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.
Mr. Sunpreet Singh, Advocate for the complainant.

SANJIV BERRY, J.(ORAL)

1. By way of present petition filed under Section 439 Cr.P.C, the petitioner seeks regular bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
25	01.03.2024	406, 420, 120-B, 467, 468 and 471 of IPC and Section 66(D) Information Technology Act, 2000	Dugri, District Police Commissionerate, Ludhiana.

2. Custody certificate dated 07.05.2024 filed in Court today. The same is taken on record. Copy thereof has been supplied to the opposite counsel.

3. Arguments heard.

4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case only on account of the fact that his brother Ankur Garg had dealings with the complainant. He further contended that the complainant had got bank

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account opened in his name and had been doing transactions therefrom, however, when the demand was raised by the Income Tax Department, he has tried to save his game by shifting the burden on the petitioner. Although, petitioner has no concern whatsoever with the alleged transactions. He submitted that as per the allegations, the only role attributed to the petitioner is that his mobile number has been used while applying for GST number. He contends that the petitioner is in custody since 02.03.2024 and the conclusion of trial will take sufficient long time. The petitioner is not having any criminal antecedents as such he prays for grant of bail to the petitioner.

5. Per contra, learned State counsel, assisted by learned counsel appearing on behalf of the complainant, has referred to the reply submitted by the State to argue that the petitioner is not entitled for concession of bail. They contended that although the brother of the petitioner was in close contact with the complainant and were collaborating in business, but as a part of their design, the brother of petitioner pressurized the complainant to get the GST number by giving the mobile number of the petitioner and got signed the bank account opening form from the complainant and savings account was accordingly issued. They contended that the brother of the petitioner namely Ankur Garg had issued various fake invoices through the firm for facilitating input tax credit. Hence, they prayed for dismissal of the bail.

6. After considering the rival contentions and perusing the record, it transpires that the present case was registered on the complaint

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made by the complainant to the fact that one Ankur Garg was engaged in business of wedding planning and decoration while the complainant was in the business of lighting and decoration in marriages and other functions, so they came in contact with each other and carried on business for decoration and lighting for last about four years and thereafter said Ankur Garg allured the complainant and taking dependency of the complainant on him qua the work of marriage, decoration and lighting got opened a bank account in the name of '*Harpreet Sales Corporation*' by giving e-mail ID and mobile number of said Ankur Garg. GST number was taken for the said firm and later, the petitioner came to know that Income Tax Department has raised the demand and since the proceedings were not properly taken care of by said Ankur Garg, *ex parte* assessment order was passed. It is alleged that Ankur Garg had manipulated the bank accounts and has cheated the complainant. Hence, the FIR. During investigation, it transpires that mobile number used for obtaining GST number was found to be that of the petitioner.

7. Admittedly, the petitioner is in custody since 02.03.2024. The presentation of challan and the conclusion of trial will take sufficient long time in the present case triable by the Court of Magistrate to ascertain the criminal liability, if any, of the petitioner. The petitioner is not having any criminal antecedents. Even from the perusal of the record, it transpires that the main allegations are qua the brother of the petitioner and the only role attributed to the petitioner is that his mobile number was used for obtaining the GST number.

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8. Considering the above facts and circumstances, no useful purpose would be served by detaining the petitioner in custody any longer. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.
9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

07.05.2024
kanika

- i)

Whether speaking/reasoned?

Yes/No
- ii)

Whether reportable?

Yes/No