



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

CRM-M-7163-2025

Date of Decision:07.02.2025

JASWANT RAI

...Petitioner

Vs.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Brijinder Singh Loomba, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG Punjab.

SANDEEP MOUDGIL, J. (Oral)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioners in case in FIR No. 192 dated 17.10.2024 under Sections 406 and 420 IPC registered at Police Station, Division No.5, Ludhiana.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

Today, I, SI/Station House Officer was in No. PGD the No.366326/365538 police dated present application 18.06.2024 from Assistant Commissioner, State Tax, Ludhiana-1 alongwith letter No.94-5C/DCP Urban dated application 10.10.2024 in respect No.366326/365538 PGD of dated 18.06.2024 from Assistant Commissioner, State Tax, Ludhiana-1 alongwith 25 letters which have been written by the State Tax Officers of the office of Assistant Commissioner, State Tax, Ludhiana-1 to the Assistant Commissioner, State Tax, Ludhiana-1 regarding registration of FIRS against the persons who have cheated the government and theft of tax by the firms of various persons, have



been received for taking action in this regard which include one letter No.89 dated 15.04.2024 which has been written by the Assistant Commissioner, State Tax, Ludhiana office of Assistant Commissioner, State Tax Ludhiana-1 to the Commissioner of Police, Ludhiana, the contents of which are as. "To The Commissioner of Police, Commissionerate, Ludhiana. No.89 Ludhiana dated 15.04.2024, Subject: Regarding registration of FIR against the persons who have been cheated the government and theft tax. Sir, it is humbly requested with regard to the subject cited above that the reports received from the State Tax Officer regarding the persons who have cheated the government and theft of tax are hereby sent to you for necessary action. Sd/-Assistant Commissioner, State Tax, Ludhiana-1." That alongwith this letter, 25 other letters which have been written by the State Tax Officers of this Department to the Assistant Commissioner, State Tax, Ludhiana-1, that these 25 other letters which have been written by the State Tax Officers of this Department to the Assistant Commissioner, State Tax, Ludhiana-1. That out of these 25 letters, one letter No.42 dated 15.04.2024 Commissioner, of the office of Assistant State contents of which Tax, are as, Ludhiana-1, "To: the Assistant Commissioner, State Tax, Ludhiana-1. Letter No.42 dated 15.04.2024. Subject: Regarding registration of FIR against Randhit Singh son of Jagjit Singh who have cheated the government and theft tax. It is bring to you notice with regard to the subject cited above that the matter of firm of Ward No.10 M/s Jagjit Enterprises (TIN No.03852013063) to cheat and cause loss the government revenue has come into light. The Proprietor of the firm Sh. Randhir Singh son of Jagjit Singh's PAN Number is ABCPL 3705E. The address of the Firm is M/s Jagjit Industries (TIN No.03852013063), House No.7953-53, Ranjit Singh Naga, Behind ATI College, Ludhiana and the same was registered under PUNAB VAT Act, 2005. The Excise and Taxation Department have fixed the Assessments of this firm under section 28 of the Punjab VAT Act, 2005 in which, the following additional demand has been calculated. The additional calculated demand for Rs.21,43,88,194/-. mention here the year It is also that 2015-16 is relevant to fixing before the assessment, several notices were sent



to this firm but the peopesator of this fiend not appear in thie Department regarding these cases nor he has submitted any documents due to which, additional demand has been calculated by the department, thereafter, an recovery per the proceeding record has and been Initiated under Punjab VAT Act, 2005. While initiating recovery proceeding against this firm, it has come into light while inquiry at the address given by Sh. Randhir Singh son of Jagjit Singh as per the record i.e. House No.7953-53, Ranjit Singh Nagar, Behind ATI College, Ludhiana that Sh. Randhir Singh son of Jagjit Singh has defrauded the government and has caused the financial loss to the government. Considering the seriousness of the issue, it is requested that the letter in original be sent to the Commissioner of Police, Ludhiana Commissionerate, Ludhiana for registration of case against Randhir Singh son of Sh. Jagjit Singh. Sd/- State Tax Officer, Ward No.8, Ludhiana. That similarly, remaining 24 other letters No.43, 44, 45, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68,69, 70, 71, 72, 73 dated 15.04.2024 have been written by the State Tax Officers to the Assistant Commissioner, State Tax Ludhiana-1 regarding registration of FIR against various proprietors of the firm. On this, the Deputy Commissioner of Police, Urban Ludhiana has sent his report to the Assistant Commissioner, State Tax, Ludhiana-1 vide letter NO.94-5C/DCP Urban 10.10.2024 dated application in respect PGD NO.366326/365538 of dated 18.06.2024, the contents of which are as, "To: The Commissioner of police, Ludhiana, No.94-5C/DCP Urban dated 10.10.2024, Subject: Report with regard to the application No.336328/365538 dated 18.06.2024 from the Assistant Commissioner, Ludhiana-1. The application No. PGD received State Tax, cited in the subject above has been received from Assistant Commissioner, State Tax, Ludhiana-1 for registration of FIR against Chander Bhushan, Jai Kumar, Satish Kumar, Manish Bansal etc. who have defrauded the government in the assessments fixed under Punjab VAT Tax Act 2005 and theft of tax which were marked to the then Deputy Commissioner of Police (Urban) Ludhiana for discussion. After application reached. undersigned. On in this, his the the transfer, Peshi same



of has thin the been discussed by the undersigned with you. The application is hereby sent to you for appropriate orders. Sd/ Deputy Commissioner of Police (Urban), Ludhiana." The Commissioner of Police, Ludhiana has written to the Station House Officer, Police station Division No.5 for necessary action." That the aforesaid application duly numbered and the letters. attached with the application bearing Nos. 42, 43, 44, 45, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73 dated 15.04.2024 have been written by the State Tax Officers to the Assistant Commissioner, State Tax Ludhiana-1. On perusal of the same, the proprietors of the following forms i.e. (1) Chander Bhushan Jain son of Sh. Shiv Kumar Jain (PAN Card No. ABAPJ 4303L) proprietor of M/a AMBAY Steel Industry (TIN NO.03042054491) B-15575, Second floor, Overlock road, Ludhiana (2) Jai Kumar Singh son of Sh. Banwari Lal (PAN 23

Dard Ne, AATPJProprietor of Mis Acihant Frente (TSN No.03361033293) 4085 Street No.02. Beahtpura- Chandigarh road, Ludhiana (3) Satish Kumar son of Sh. Girdhari Lal (PAN Card No.AADFH3556M) Proprietor of M/s Hall Marketing (TIN No.03321119354), Shop No.26, First floor, Ludhiana (4) Manish Bansal (PAN Card No. AHIPB1030A) Proprietor of M/s Bala Ji Steel Traders (TIN No.3271147560), 130-C, Industrial Estate, Mahinder Ludhiana (5) Malkiat Singh (PAN Singh Card son of No. DLNPS1765R) Proprietor of M/s Shri Bala Ji Packaging (TIN NO. 03122156022), New Vishkarma Nagar, Phase-4, Near National Public School, Focal Point, Ludhiana. (6) Sagar Gupta son of Radha Krishan Agarwal (PAN card No.AAOFR1818B) Proprietor of M/s Rakson International (TIN NO.03582165162), C-28, Focal point Phase-2, Ludhiana. (7) Gurcharan Dass (PAN Card No. CUEEPS541520B) Proprietor of No.03461114621), Ludhiana (8) No. PHKPP9243A) M/s J.D. Textiles Enclave, Moniwdera (PAN Singh Pritam Proprietor of M/s (TIN Moti card TEXO Industries (India) (TIN No.3781006387), India 55 18 Industrial State Ludhiana. (9) Jagmohan Singh (PAN Card No. ASEP511650) Proprietor of M/s Engineering Karam Works (TIN No.3042155953), 2408, Street No.03, Bhagatingh Colony,



Sherpur, Ludhiana (10) Mukesh Kumar son of Hussan Proprietor Lal of Card (PAN M/s K.S. No.AEWPK6553R) Industries (TIN No.03602050109), 11632, Street No.1, SAS Nagar, B/s Sangeet Cineme, Ludhiana Girdhari Lal son of Mulakh Raj (PAN Card No. AAIPL7629 L 12E) Proprietor of M/s Gulati Packing Material Industries (TIN NO.03701098484), 10568/86, SAS Nagar, Street No.02, Ludhiana (12) Arvinderpal Singh son of Satnam Singh (PAN card No. AABBK8526) proprietor of M/s GB Industries (TIN No.03121114226), 1915, Street No.22, Janta Nagar, Ludhiana (13) Baljit singh son of Hardev Singh, (PAN card NO. ARUPS5798) Proprietor of M/s Metal Art Engineering No.03972006401), Street No.09, Works (TIN Janta Nagar, Ludhiana (14) Ashok Puri son of Jagdish Puri (PAN card NO. BGAPP1482J) proprietor of M/s Shivay Enterprises (TIN No.03592084986), Street No 05 New Janta Nagar, Daba Raod, Ludhiana (15) Vitesh Vashisht son of Pradeep Kumaz Vashisht (PAN card No. AAJFR51390) Proprietor of M/s Ramvit International No.03402036348), 7836/1-A, (TIN 81-BStreet No.10, ATI road, New Janta Nagar road, Ludhiana (16) Randhir Singh son of Jagjit Singh (PAN card No.ABCPL3705E) Industries 7953-53, proprietor of M/s Jagjit House (TIN No.03852013063), Ranjit Singh Nagar, Behind No. ATI College, Ludhiana (17) Surinder Sharma son of Ram Pal Sharma (PAN card No. ABCDJ12344A) Proprietor of M/s JMB Cycle Industries (TIN No.038822113393) M/s JMB Cycle Industries, House No.49, First Floor, Street No.18, MAIR colony, Near Bachan Gas, Shimlapuri, Ludhiana (18) Pritpal Singh son of Ram Rattan (PAN Card No. BOIPS6569F) Proprietor of M/s Unique Traders (TIN No.03462169302), SCO No.01, Second floor, Gian Tower, Street No.01, Ludhiana (19) Rohit Kapoor Dashmesh Nagar, son of Varinder Kapoor (PAN Card No. BRUPM4805L) Proprietor of M/s Rohit Steel (TIN No.03792015327), 442, Shop NO.8, First Floor, Overlock road, Ludhiana (20) Jagroop Singh son of Charan Singh (PAN Card No.ARYPSOBREQ) Proprietor of M/s Taran Chemical (TIN No.03932005744), 1760/2, Street No.. Sajjan Confectionary, Chimnni road, Ludhiana (21) Jaswant Rai son of Mukesh Rai (PAN card No. BULPD43055) Proprietor of



M/s M.R. Steel (TIN No.03362055576), sewing Machine, 21-1000/2 Near Shan Industrial Area-B, Ludhiana (22) Vikas Kumar Kichhar son of Chaudhary am (PAN Cad NO. AKWPK2784M) Proprietor of M/s Kochar Metal Works (TIN No.03182020658), Plot No. XXX-39/7A, Street No.8/2A, Baba Mukand Singh Nagar, Daba road, Ludhiana (23) Devinder Arora son of Tilak Raj Arora (PAN Card No. ABVFA6765G) Proprietor of M/s Lumxi Trading Co.. No.7, (TIN No.03452034138), Shop No.4, Street Nea Bank of Baroda, Partap Nagar, Ludhiana (24) Kulwinder singh son of Baldev Singh (PAN Card No. BOUPS5985K) Proprietor of Mansh Industries No. (TIN 03082039822), Industrial area-C, Jaspal Bangar road, Dhandari Kalan, Ludhiana (25) Anuj Arora son of Surinder Kumar (PAN Arora Card No. AAYFA6430E) Proprietor of M/s A.B.C. Trading Co. No.03072165394), Shop No.62, G.T. Road,Dhandari Balan, NE Railway Bridge, Ludhiana, the aforesaid have defrauded the government and theft the tax, therefore prima facie offence under sections 406, 420 IPC is made out. So the original application alongwith aforesaid application duly numbered and ruqa are handed over to Head Munshi for registration of case. Number be informed after registration of case. Intimation be given at the control room through wireless and special reports be issued. I, SI am busy in the investigation. Sd/ Balwant Singh, SI/Station House Officer, Police station Division No.5, Commissionerate, Ludhiana Dated 17.10.2024. In the area of Police station Division No.05, Ludhiana at 9.00 PM.

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that petitioner had appeared before the respondents/taxation officers and submitted the written affidavit Annexure P-6. He further submits that it is a case of tax evasion and there is no such provision in IPC to register the case under Sections 406 and 420 IPC. He further submits while referring to CRM-M-38352-2014 that only a penalty can be imposed under the VAT Act, 2005.

**On behalf of the State**

Learned State Counsel appearing on advance notice, on instructions from the Investigating Officer, did not oppose the instant petition since there is no such provision in IPC to register the case under Sections 406 and 420 IPC

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions as made by counsel for the parties and considering the fact that no fruitful purpose would be served by sending the accused behind the bars, as such, this Court finds no reason to deny the concession of anticipatory bail to the petitioner as he is ready and willing to join the investigation to cooperate with the investigating officer for furtherance of the investigation.

5. Decision

In the light of above, the petitioner is hereby directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

“When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of



the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

07.02.2025

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No