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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 2518/2021

DIRECTORATE GENERAL OF GST INTELLIGENCE

.....Petitioner

Through: Mr. Satish Aggarwala, Sr. Standing
Counsel and Mr. Gagan Vaswani,
Adv.

Versus

DHRUV KISHAN MAGGU

.....Respondent

Through: Mr. Ayush Mittal, Ms. Oshin, Ms.
Yasshika, Adv.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

25.04.2025

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1. Petition under Section 482 of the Code of Criminal Procedure 1973 has been filed by the Petitioner for Recall of the Order dated 09.09.2019 of learned CMM granting bail to the Respondent and the Order dated 15.06.2021 of the learned ASJ upholding the Order of the grant of bail.
2. It is submitted that the Respondent along with three other persons, had been arrested by the Petitioner Department for fraudulent claim of IGST refund of more than 63 Crores. They were produced before the Court and were remanded to judicial custody. The bail was granted vide Order dated 09.09.2019 by learned CMM which has been upheld by the learned ASJ.
3. The Recall of the Bail Order is sought on the grounds that the bail has been granted to the Respondent on erroneous appreciation of law and facts.

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He has been granted Bail merely after 11 days of retention in such a serious offence, which was not mandated. Further, the learned ASJ has noted clean antecedents of the respondent overlooking that the Adjudication Proceeding against the respondent, is pending in another matter. Furthermore, indisputably, the respondent has failed to furnish the information document sought by the petitioner despite his undertaking before the learned ASJ as reflected in Order dated 07.03.2020.

4. Furthermore, considering the gravity of the offence and its impact on society, economy and financial stability of the country, the bail should not have been granted at the initial stage of investigation, particularly, in economic offences as has been held by this Court in *Crl. M.C. No.187/2014* dated 26.03.2014.

5. Reliance has been placed on *Prahlad Singh Bhati Vs. NCT of Delhi-2001 AIR SCW 1266*, *Malwinder Mohan Singh Vs. State of NCT of Delhi decided on 10.08.2020*, *P. Chidambaram Vs. Enforcement Directorate Crl. Appeal No.1430/2019 decided on 05.09.2019*, *State of Gujarat vs. Mohanlal Jitmalji Porwal (1987) 2 SCC 364* and various other judgments to submit that socio-economic offences are a class apart and need to be visited with different approach in a matter of bail since such offences have deep-rooted conspiracies affecting moral fiber of Society and cause irreparable harm.

6. Reliance has also been placed on *Union of India Vs. Hasan Ali Khan and Anr. Crl.A.1883/2011 decided on 30.09.2011* to contend that the impugned Order is bad ab-initio in law as well as on the facts. The recall of the Bail order is sought not only on the conduct of the respondent but on the gravity and the totality of circumstances. It is therefore, submitted that the Bail granted to the respondent vide Order dated 09.09.2019 and upheld by

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learned ASJ vide Order dated 15.06.2021, be set aside.

7. **Learned counsel for the respondent** has submitted that merely because bail was granted within 11 days, can be no basis for recall of a Bail Order, as has been rightly observed by the learned ASJ. It is submitted that though the allegations may be of involving 63 crores of IGST fraud, however, such figures cannot be the sole criteria, considering that the respondent after being given protection by the High Court, has joined the investigations.

8. It is further submitted that respondent has always joined the investigations as has been noted in the Order by learned ASJ. This fact of joining the investigations and there being no prior or subsequent involvement of the respondent was conceded by the officials of the Department which the learned ASJ has noted in his Order dated 15.06.2021. Furthermore, no Complaint has been filed in this matter till date. It is submitted that there is no ground for recall of the bail order and the petition is liable to be dismissed.

9. **Submissions heard. Record produced.**

10. Essentially, the first ground for recall of impugned Order taken by the petitioner is that a bail was granted merely in 11 days without considering the gravity of the allegations involving 63 crores of IGST fraud.

11. The learned MM has fairly considered all the facts and circumstances which have been re-appreciated by the learned ASJ and there is no ground to question the discretion exercised by the learned MM as well as the ASJ while granting the bail the respondent. Though there are allegations of IGST refund, but it cannot be overlooked that till date no Complaint has been filed in the present matter.

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12. The Respondent has clean antecedents and has no prior or subsequent involvement. There are no circumstances shown to justify the recall of the Bail Order.

13. The petition is hereby dismissed.

NEENA BANSAL KRISHNA, J

APRIL 25, 2025

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