(2022) 12 P&H CK 0056

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 41738, 49128, 50650, 50918, 51904, 52054, 52516Of 2022 (O&M)

Rajinder Singh @ Lovely And Others APPELLANT

Vs

State Of Punjab RESPONDENT

Date of Decision : 15-12-2022

Acts Referred:
Prevention Of Corruption Act, 1988 — Section 7, 7(a), 8
Indian Penal Code, 1860 — Section 120B, 201, 420, 465, 467, 468, 471

Citation : (2022) 12 P&H CK 0056

Hon'ble Judges : Avneesh Jhingan, J

Bench : Single Bench

Advocate : APS Deol, Himmat Singh Deol, P. S. Paul, J. S. Bedi, Pooja Chopra, Kumar Vishav Aggarwal, Swaranjeet Kaur, Gaurav Garg Dhuriwala

Final Decision : Allowed

Judgement

Avneesh Jhingan, J

These seven petitions are filed seeking regular bail in FIR No. 8 dated 21.8.2020, under Sections 7, 7(a), 8 of the Prevention of Corruption Act, 1988 and Sections 420, 465, 467, 468, 471, 201, 120-B Indian Penal Code, 1860 — Section registered at Police Station Vigilance Bureau, Phase-I, SAS Nagar, Mohali.

The names of the petitioners and their custody period is tabulated below:

Sr. No

Name of the petitioner

Date of arrest

1.

Rajinder Singh @ Lovely

2.8.2022

2.

Avtar Singh

13.9.2022

3.

Pawan Kumar Sharma @ Kala Pandit

12.9.2022

4.

Sachin Kumar

12.9.2022

5.

Randhir Singh

13.9.2022

6.

Balwinder Singh

12.9.2022

7.

Ajay Kumar

13.9.2022

The FIR was result of information received that there was a large scale evasion of Goods & Services Tax (for short, 'GST') in the State of Punjab. Acting on the information after taking due permission, mobile phones of some of the co-accused were tapped. On the basis of the information collected, some officials of the GST Department, traders, transporters and persons like the petitioners alleged to be passers were nominated. As per the case set up, monthly bribes were being paid to the officials of the GST Department. In connivance, sales and purchases inter-state and intra-state were being conducted either without accounting for it or without payment of due tax. The allegations are that with such chain of transactions, bogus input tax credits were being availed.

Learned counsel for the petitioners rely upon the custody period for grant of bail. The contention is that investigation is complete, challan stands presented and the petitioners were named by the co-accused during interrogation. It is further argued that the trial is not going to progress as sanction qua the officials of the Excise and Taxation Department has not been granted till date. They rely upon the fact that the co-accused were granted bail by this court.

Learned counsel for the State on instructions from DSP-Tajenderpal Singh (VB) opposes the prayer for grant of bail. He however, fairly submits that investigation qua the petitioners is complete and challan stands presented. He is further not disputing that sanction to prosecute the officials of the department is awaited.

Without commenting on the merits of the case, taking into account that co-accused were granted bail by this court, though investigation qua the petitioners is complete conclusion of trial is likely to take time, more so when sanction to prosecute for the co-accused is still awaited, the petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petitions are allowed.

It is clarified that observations made herein above shall not be construed as an expression of opinion on the merits of the case.

Since the main petitions have been disposed of, pending application(s), if any, are rendered infructuous.

Photocopy of the order be placed on the file of each connected case.

