

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I) **CRM-M-17019-2020 (O&M)**
Date of Decision:- 7.8.2020

Rajinder Bassi ... Petitioner
Versus
State of Punjab ... Respondent

(II) **CRM-M-1695-2020 (O&M)**

Tarun Bassi ... Petitioner
Versus
State of Punjab ... Respondent

(III) **CRM-M-12871-2020 (O&M)**

Manish Paul ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jagmohan Bansal, Advocate, for the petitioner(s) in
CRM-M-17019-2020 and CRM-M-1695-2020.

Mr. A.P.S.Deol, Senior Advocate, with
Mr. Himmat Singh Deol, Advocate, for the petitioner in
CRM-M-12871-2020.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned three petitions wherein petitioner Rajinder Bassi, Tarun Bassi and Manish Paul,

have approached this Court seeking grant of regular bail in respect of a case Criminal complaint No.40/2019, dated 21.11.2019, under Section 132(1)(b)(c) of the Punjab Goods and Service Tax Act, 2017.

2. Reply by way of affidavit of Arvind Sharma, State Tax Officer, Department of Punjab, State GST, Fatehgarh Sahib, Ludhiana has been filed in CRM-M-12871-2020. The same is taken on record.
3. The allegations, in nutshell, are that the petitioners had availed Input Tax Credit (ITC) to the tune of about ₹19.83 crores on the basis of invoices without there being actual sale of goods.
4. Learned counsel for the petitioners have submitted that the vires of the Act i.e. Punjab Goods and Service Tax Act, 2017 has itself been challenged in CWP No.8004-2020 by one of the accused namely Tarun Bassi wherein notice of motion has been issued by the Hon'ble Division Bench of this Court and which presently stands fixed for 23.9.2020.
5. The aforesaid position regarding challenge of vires is not disputed by the learned State counsel.
6. On the last date of hearing while noticing the aforesaid contention of the petitioners, this Court had ordered for release of the petitioners on interim bail.
7. Learned counsels for the petitioners have submitted that since petitioners have undergone custody of a period of about more than 9 months and that the maximum sentence provided for the offence in question is 5 years, therefore, no useful purpose would be served by

detaining the petitioners behind bars as the trial in any case is not likely to be immediately concluded since proceedings of the trial are virtually at a stand still.

8. On the other hand learned State counsel has submitted that since it is a huge scam involving a colossal amount of more than ₹19 crores, no case for grant of bail is made out.
9. I have considered rival submissions addressed before this Court. Keeping in view the aforesaid custody period and also the fact that the maximum sentence provided for the offence in question is 5 years and that the vires of the Act is itself under challenge, the petitions merits acceptance and are hereby accepted and the interim directions dated 10.7.2020, 18.5.2020 and 6.7.2020 are hereby made absolute on the same terms and conditions.

August 7, 2020
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(GURVINDER SINGH GILL)
JUDGE

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| Whether speaking /reasoned | Yes / No |
| Whether Reportable | Yes / No |