
CRIMINAL TRIAL FOR OFFENCES AND ARREST UNDER CENTRAL GOODS AND SERVICES TAX ACT LACKS CONSTITUTIONAL BACKING: HIGH COURT OF PUNJAB & HARYANA

Overview

The Hon'ble Punjab & Haryana High Court (the 'Court') in the case of *Ganga Ram vs State of Punjab & Anr.*¹ has held that criminal trial for offenses and arrest under Sec.132 and Sec. 69 of the Punjab Goods and Service Tax Act, 2017 (the 'PGST Act') are without jurisdiction and lack constitutional backing.

Facts

Ganga Ram (the 'Petitioner') was arrested under the provisions of the PGST Act and consequently put under judicial custody for a period of 4 months and 14 days as per the custody certificate. The Petitioner filed for grant of regular bail, pending before the learned Judicial Magistrate.

Ruling

The Hon'ble Court held that criminal trial and arrest under PGST Act are without jurisdiction and constitutional backing. Further, the Court took cognizance of the prevailing situation of Covid-19 which would further delay the trial proceedings. For the aforesaid reasons, the Court granted regular bail subject to furnishing bail/surety bonds as per the satisfaction of the learned trial Court/Duty Magistrate.

VA Comments

The judgement although positive, does not explain reasons for the provisions being unconstitutional.

For any further information/ clarification, please feel free to write to:

- Mr. Shammi Kapoor, Partner : shammi@vaishlaw.com
- Ms. Kritika Kapoor, Junior Associate : kritika@vaishlaw.com

DISCLAIMER

The material contained in this publication is solely for information and general guidance and not for advertising or soliciting. The information provided does not constitute professional advice that may be required before acting on any matter. While every care has been taken in the preparation of this publication to ensure its accuracy, Vaish Associates Advocates neither assumes responsibility for any errors, which despite all precautions, may be found herein nor accepts any liability, and disclaims all responsibility, for any kind of loss or damage of any kind arising on account of anyone acting/ refraining to act by placing reliance upon the information contained in this publication.

¹ CPW-M 27425 of 2020