

HC: Bail granted as investigation completed against applicant; pendency against co-accused not a ground to deny liberty.

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REFER THE DECISION OF THE HON'BLE DELHI HIGH COURT IN THE CASE OF

Narender Kumar v. Directorate General of GST Intelligence [2025] 179 taxmann.com 391 (Delhi)

Narender Kumar was arrested by the Directorate General of GST Intelligence (DGGI) for allegedly being involved in a racket of availing and passing on fraudulent Input Tax Credit (ITC) through fake firms. The department alleged that bogus invoices were created without actual movement of goods, causing a substantial loss to the exchequer.

After his arrest, Narender Kumar applied for bail. By the time his bail plea was considered, the DGGI had already completed the investigation in respect of him and filed a prosecution complaint (charge sheet) before the competent court. However, the department opposed his bail, arguing that the investigation was still pending against other co-accused who were absconding, and releasing the applicant might hamper further proceedings.

The Delhi High Court, after hearing both sides, observed that the **pendency of investigation against other absconding accused persons cannot be a ground to continue custody of a person whose investigation is complete and complaint is already filed**. The Court noted that Narender Kumar's further detention would serve no useful purpose, especially when his role had been crystallized in the prosecution complaint.

The Court also emphasized that **bail is the rule and jail is the exception**, and since there was no likelihood of tampering with evidence or influencing witnesses, continued incarceration was unjustified.

Accordingly, the Court granted bail to Narender Kumar, holding that once the investigation qua the applicant was over, he could not be denied liberty merely because others were yet to be apprehended.

// भगवान महावीर का संदेश //

"जीवो और जीने दो" — यही हो हमारा संकल्प।

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