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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No.11770 of 2016
Date of Decision : 09.08.2016**

Aman Goyal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Rahul Vats, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl.A.G., Haryana.

Mr. Deepak Vashisth, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.80 dated 24.02.2016, registered under Sections 420, 406 and 120-B IPC, at Police Station Sarai Khawaja, Faridabad, Tehsil and District Faridabad.

On 05.04.2016 the following order was passed:-

“Petitioner seeks the concession of pre-arrest bail in

a case registered at the instance of Mahesh Garg, complainant alleging that the petitioner and his wife had persuaded the complainant to pay them a sum of Rs.15 lacs with a promise that they would get a plot belonging to an NRI transferred to him from which he can earn a lot of money. As per the allegations in the FIR, the complainant allegedly took a loan of Rs.15 lacs from Ajay Kumar Gupta and paid to the petitioner and his wife.

Counsel for the petitioner has submitted that as a matter of fact, it is the petitioner who had taken a lona of Rs.15 lacs from Ajay Kumar Gupta and had returned the amount to Ajay Kumar Gupta by way of a cheque but somehow the cheque was dishonoured. Ajay Kumar Gupta filed a complaint under Section 138 of the Negotiable Instruments Act against the petitioner but the matter was later on settled on payment of Rs.15 lacs to Ajay Kumar Gupta as such the complaint under Section 138 of the Negotiable Instruments Act was withdrawn by said Ajay Kumar Gupta. Counsel claims that the complainant being a friend of Ajay Kumar Gupta, with an intention to harass the petitioner to lodge the FIR to extract more money from the petitioner for Ajay Kumar Gupta, the present FIR has been registered. 1 of 2.

Notice to Advocate General, Haryana, for July 19, 2016.

Meanwhile, an interim direction is issued that the petitioner will join investigation on April 16, 2016 and in

case of his doing so, he will be released on interim bail to the satisfaction of the arresting officer. ”

Learned Additional Advocate General on instructions from the investigating officer has accepted that the petitioner has joined the investigation but states that he has not proved the refund of money.

Be that as it may, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner in the present case. Ordered accordingly.

Resultantly, the interim order dated 05.04.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

August 09, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No