

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-23850 of 2018
Date of Decision: 09.08.2018

Hari Om Goyal

....Petitioner

VERSUS

State of U.T. Chandigarh

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Gautam Dutt, A.P.P., U.T. Chandigarh.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.193 dated 14.07.2015 registered for offences punishable under Sections 201/420/467/468/471/120-B of Indian Penal Code (for short, "IPC") at Police Station Industrial Area, Chandigarh.

Heard.

Learned A.P.P. submits that petitioner was given a demand draft dated 12.08.2014 of ₹5 crores drawn on HDFC Bank Colaba Branch, which he got encashed on 21.08.2014. Complainant in fact had no dealings with petitioner and draft was given on asking of his co-accused, who had allured complainant for loan from some foreign entity. They have asked complainant to show his dealings with petitioner. During course of enquiry, petitioner produced 24 bills of supply of goods without giving truck number or the bilty details vide which material was sent. Even bills of purchase of material were obtained later on.

Countering the submissions of learned A.P.P., learned counsel for the petitioner submits that receipt dated 25.08.2014 (Annexure P-9) was issued by Swati A. Agarwal, Director of complainant-firm affirming delivery of material against payment of ₹5 crores.

When confronted with this fact, learned A.P.P. submits that receipt (Annexure P-9) has been sent to FSL and report has not been received so far about genuineness of the same. If the investigating officer has yet to verify genuineness of the receipt (Annexure P-9), then a question certainly arises for consideration as to what was the hurry in arresting the petitioner without arriving a conclusion regarding genuineness of the receipt (Annexure P-9). Challan in this case has since been presented.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Hari Om Goyal is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

August 09, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No