

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.208

CRM-M-25237-2018

Date of decision : 10.09.2018

Mohit Goyal

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Ms. Jasneet Mehra, Advocate for
Mr. L.M. Gulati, Advocate, for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Mr. Navneet Singh, Advocate, for the complainant.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks grant of anticipatory bail in case FIR No.351 dated 04.05.2018, registered at Police Station City Sonapat, District Sonapat, under Sections, 420, 406, 409, 467, 468, 471, 506, 120-B and 34 IPC.

The allegations in the FIR made against the petitioner and the co-accused are that they represented their company viz. M/s Ringing Bells Pvt. Ltd. as importer of mobile phones, which was in search of distributors. The complainant got taken in by their representations and entered into an agreement dated 18.07.2016. Later on, it transpired that the company M/s Ringing Bells Pvt. Ltd. did not possess any import licence nor did it possess any other licence and was not importing any mobile phones. The agreement had been entered into with fraudulent intention. Neither any material was supplied to the complainant nor the money paid by him was returned. The said company forged certain documents to make it appear that it infact possessed the requisite licences and clearances.

Learned counsel for the petitioner submits that the petitioner remained as Director between the period 16.09.2015 till 28.07.2016 and that when the money was deposited in the accounts of the company, he had already resigned. The cheques given to the complainant for return of money were issued by the company and on the date of their issuance as well as on the date the same were dishonoured, the petitioner was no longer a Director. Similar allegations were made against the petitioner in two other cases, in which anticipatory bail has been granted by this Court and thus, the petitioner be granted anticipatory bail in this case, as well.

The prayer is opposed by the learned State counsel as well as by the counsel for the complainant. It is submitted that on the date of the agreement between the parties, the petitioner was a Director in the company. He was also the authorized signatory of the bank accounts of the company and this company has duped a large number of businessmen because of which the CBI has also initiated the investigation. Further, money was transferred from the accounts of the company to the accounts of another company, of which the petitioner is presently a Director and therefore, the petitioner is not entitled to anticipatory bail.

Learned counsel for the petitioner does not deny the fact that allegations of fraudulent transactions have been levelled against M/s Ringing Bells Pvt. Ltd. of which the petitioner was a Director at one stage. Her only contention is that on the date when the alleged offence was committed, so far as the present FIR is concerned, the petitioner was not a Director and thus, he is absolved from any liability. During the course of arguments, learned counsel for the petitioner has placed blame on other persons, who

are Directors of the same company. Thus, there is an indirect admission by the learned counsel for the petitioner that the company is involved in fraudulent transactions. Her contention that the petitioner was not a Director on the date when the offence was allegedly committed in the present case, is also not factually correct as agreement with the complainant was signed on 18.07.2016. The investigation also establishes that money has been transferred from the bank accounts of the company to the accounts of another company in which the petitioner is presently a Director. He is also alleged to be an authorized signatory of the bank accounts of the company and thus, his involvement cannot be completely ruled out as is sought to be contended. White collar crimes need to be curbed with an iron hand.

In view of the above, the petition has no merits and is accordingly dismissed.

(SUDHIR MITTAL)
JUDGE

10.09.2018
Ramandeep Singh
Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No