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

CRM-M-23062 of 2019

Date of decision: May 24, 2019

Mahender Kumar Goyal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG Haryana.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail to the petitioner, in FIR No.1013 dated 22.11.2018, under Sections 420, 406, 467, 468, 471, 201, 120-B of the Indian Penal Code, 1860 and Section 3 of the Haryana Protection of Depositors in FE Act, 2013, registered at Police Station Sadar Ballabgarh, District Faridabad.

Custody certificate dated 23.05.2019 filed by learned State counsel, today in Court, is taken on record.

Mr. Nihul Partap Singh, Advocate appears, files *vakalatnama* on behalf of the complainant and the same is taken on record.

As per prosecution case, petitioner along with other co-accused have cheated the complainant on the basis of forged documents and received huge amount from them, but when they asked the petitioner to return the same, then he along with other co-accused extended threats to kill.

It is contended by the learned counsel for the petitioner that he

is in custody since 16.04.2019 and as a matter of fact, ₹6.30 lakhs were deposited by the complainant and petitioner's company is validly registered with the Reserve Bank of India as a non-banking company and a reference is made to Annexure P-2. Further contended that he is still ready to return the said amount to the complainant, within a period of 2 weeks from today, subject to the final outcome of the trial. The offer is acceptable to the learned counsel for the complainant.

Since the petitioner is ready to return the above said amount to the complainant within a period of 2 weeks from today, further incarceration of the petitioner will not serve any useful purpose.

As a result thereof, this petition is allowed. The petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

It is clarified that payment of ₹6.30 lakhs shall be subject to final outcome of the trial.

The above observations may not be construed as an expression of opinion on the merits of the case.

Petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

May 24, 2019
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Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**