

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

CRM-M-29943-2019

Date of decision:25.7.2019

VARUN CHAUDHARY

....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. U.K. Agnihotri, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.95 dated 28.3.2017 under Sections 120-B, 406, 420 and 506 IPC, Police Station Faridabad Old (Haryana).
2. Mr. Randhir Singh Hooda, Advocate has put in appearance on behalf of the complainant and has filed power of attorney, which is taken on record.
3. The FIR was registered at the instance of Jagbir Singh, wherein it had been alleged that on account of marriage in the family on 4.12.2016, the complainant and other members of the family wished to purchase ornaments. The accused Gulshan Dhawan was known to the complainant since last 9-10 years as the complainant's family had been purchasing jewellery from him. The accused Gulshan Dhawan represented to the

complainant that he could get gold at very competitive rates. It is alleged that on 20.10.2016 accused Gulshan Dhawan accompanied by Surinder Goyal came to the office of the complainant and showed 'gold biscuits' weighing 100 grams bearing marking "Switzerland" and upon seeing the same, the complainant asked them to give him some time. It is alleged that on 22.10.2016 accused Nos. 1 to 4 namely Gulshan Dhawan, Surender Goyal, Rohit Goyal and Varun Choudhary came to the office of the complainant and took the complainant into confidence while assuring that the gold biscuits to be provided would be of pure gold, quoted the price at the rate of ₹25,500/- per 'Tolla' and that they would take commission of ₹1,500/- per 'Tolla'. It is alleged that the accused took an amount of ₹10,00,000/- from the complainant as earnest money and asked him to meet along with balance payment of ₹2,75,000/- at Juhu Beach, Mumbai where the gold would be delivered to the complainant. It is alleged that on 23.10.2016 the complainant along with Gulshan Dhawan and one Sushil Mishra (friend of complainant) went to Mumbai where Rohit Goyal and his friends also reached. Rohit Goyal assured that the gold would be delivered on the next day. It is alleged that Rohit Goyal introduced complainant to another person at Juhu Beach and had assured that the said person would deliver the gold to the complainant on the next day. It is alleged that on the next day Rohit Goyal took an amount of ₹2,75,000/- from the complainant for the purpose of purchasing gold but later on after some time he told the complainant that there is some difficulty and assured that he would come to Faridabad and deliver the gold. However, despite the fact that the complainant later on tried to

contact Gulshan Dhawan, Surinder Goyal and Rohit Goyal, there was no response from their side and they used to make false excuses and did not even return the amount.

4. Learned counsel for the petitioner has submitted that a perusal of the FIR would show that it is the co-accused Gulshan Dhawan and Surender Goyal who had approached the complainant holding out representation that they could procure gold for him at a cheaper rate and on this pretext had made the complainant part with ₹10 lakhs as an advance amount and had later also taken another amount of ₹2,75,000/-.
5. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that during the course of investigation, it had surfaced that the present petitioner was accompanying the complainant and other co-accused in Mumbai and that some amount had also been transferred from his account indicating his complicity in the matter. It has thus been prayed that the petitioner does not deserve the concession of anticipatory bail.
6. I have considered rival submissions addressed before this Court. In the present case the co-accused Surender Goyal and Neeraj had been granted anticipatory bail by this Court vide order dated 24.5.2018 (Annexure P-3). The case of the petitioner cannot be said to be on weaker footing than that of co-accused Surender Goyal and Neeraj. Bearing the aforesaid facts and circumstances of the case in mind and while refraining to make any comment on the merits of the case, the petition is accepted. In the event of arrest of the petitioner, he shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of

Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

(GURVINDER SINGH GILL)
JUDGE

25.7.2019

Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**