

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(210)

CRM-M-36918-2020

Date of Decision: November 17, 2020

Puneet Goel and another

.. Petitioners

Versus

State of Haryana

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jasjeet Singh Bedi, Senior Advocate
with Mr. Rubal Garg, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI, J.(ORAL)

Present second petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioners in respect of FIR No.289 dated 06.04.2018, under Sections 420, 406, 418 and 506 IPC, registered at Police Station Sector 7, Faridabad.

Learned Senior counsel appearing for the petitioners submits that the present FIR has been registered at the instance of one Madhur Gupta, wherein, the allegations have been alleged that the company being run by the petitioners received huge amounts for investment, but the projects for which the money was collected were never taken to the logical end and the possession of the properties/projects to the claimants were not released so as to invite Sections 420, 406, 418 and 506 IPC. Learned Senior counsel for the petitioners further submits that the challan has been submitted and even three witnesses including the complainant have already

been examined and the trial is likely to take some time before conclusion and there is no justifiable reason to keep the petitioners behind the bars especially when the maximum sentence for the allegations alleged against the petitioners is seven years and they are already behind the bars for more than 2½ years.

Notice of motion.

Mr. Pawan Kumar Longia, Deputy Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel concedes that the complainant in the present FIR has already been examined on 16.10.2020. The only objection raised by the learned State counsel to the prayer of the petitioners is that the petitioners are involved in other cases involving similar allegations. Learned State counsel also raises apprehension that in case the petitioners are granted the benefit of regular bail, they are likely to influence the prosecution witnesses, who are yet to be examined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations alleged in the FIR are yet to be proved in the trial. The complainant has already been examined and the petitioners are already behind the bars for the last about 2½ years. Once, the maximum sentence, on being found guilty in respect of the allegations alleged against the petitioners, is seven years and the trial is likely to take to some time before it finishes, no useful purpose will be served by keeping the petitioners behind the bars.

In respect of the apprehension of learned State counsel that petitioners are likely to influence the witnesses, the same is only an apprehension at this stage. In case, any cogent evidence comes before the respondent-State that petitioners are trying to influence the witnesses, they have an appropriate remedy to approach the Competent Court of Law for the cancellation of bail of the petitioners. Learned Senior counsel appearing for the petitioners undertakes that petitioners will not influence trial in any manner.

Keeping in view the above, the petitioners have made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioners be released on regular bail, if not required to be detained in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

(HARSIMRAN SINGH SETHI)
JUDGE

November 17, 2020
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No