

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-3413-2021 (O&M)
Date of Decision:- 6.4.2021

Braham Parkash Goyal ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kunal Dawar, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Ishwar Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.649, dated 01.11.2019, Police Station Central Faridabad, District Faridabad, under Sections 420, 467, 468, 471, 120-B IPC.
2. At the time of issuance of notice of motion the following order was passed on 25.1.2021:

“The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.649 dated 01.11.2019 at Police Station Central Faridabad, District Faridabad, under Sections 420, 467, 468, 471, 120-B IPC.

The FIR was lodged at the instance of Gaurav Kumar, wherein it has been alleged that he had been working with M/s Himigiri Auto India Pvt. Ltd. (Hyundai Agency) as a Salesman

and that 5 Hyundai Xcent Cars had been sold through him to M/s Tirumala Utility Pvt. Ltd. and that he had got the said cars duly registered. However, the customer i.e. Braham Parkash Goyal, who is Director of M/s Tirumala Utility Pvt. Ltd. falsely represented to him that he was in need of some money and asked him to return the amount which had been given for expenses to be incurred on registration of cars and that he will later on return the same. Believing him, the complainant handed over registration charges to the aforesaid Braham Parkash Goyal. It is further alleged that the aforesaid Braham Parkash Goyal instead of returning the said amount, later on got fake registration certificates made in respect of the vehicles in question.

Learned counsel for the petitioner has submitted that it is a case where the complainant himself admits that the vehicles in question were duly registered and in fact it is a case of some monetary transaction for an amount of Rs.1,05,000/-, which at one point of time had been duly settled and the petitioner had paid an amount of Rs.52,500/- and it is the balance amount of Rs.52,500/- which is to be paid and that the said total amount works out to Rs.1,05,000/-, which is in fact the amount incurred by the complainant towards registration charges.

Learned counsel further submits that the petitioner has already prepared a draft for the balance amount of Rs.52,500/- and is willing to pay the same to the complainant.

Notice of motion for 06.04.2021.

At this stage, Mr. Vishal Garg Narwana, Advocate, has put in appearance on behalf of the complainant and vehemently opposed the grant of interim bail. However, having regard to the facts of the instant case, this Court does not find it to be a case where the said relief should be withheld.

Meanwhile, in the event of arrest, the petitioner be released on interim 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 Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioner has submitted that since his client had already prepared a draft for the balance Rs.52,500/-, he had handed over the draft to the Investigating Officer so that the same may be passed on to the complainant but the complainant refused to accept the same.
4. Learned State counsel, upon instructions from SI Ishwar Singh, has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation.
5. In view of the aforestated position especially that the petitioner has since joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 25.1.2021 are hereby made absolute subject to the condition that the petitioner shall join 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.

06.4.2021
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No