

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM No. M-9486 of 2020

Date of Decision : 29.11.2021

Rajesh Goyal

....Petitioner

Versus

State of Haryana

.....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Vikram Chaudhri, Senior Advocate with
Mr. Kunal Sharma, Advocate and
Mr. Parvez Chaudhary, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 548 dated 30.11.2019 registered under Sections 406 and 420 of the Indian Penal Code, 1860 at Police Station Sector 5, District Panchkula, Haryana.

Learned senior counsel appearing on behalf of the petitioner contends that the petitioner has joined investigation in terms of order passed by a Co-ordinate Bench of this Court dated 03.03.2020. Order dated 03.03.2020 is as under:-

“The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No. 548 dated 30.11.2019 registered under Sections 406 and 420 of the Indian Penal Code, 1860 at Police Station Sector 5, District Panchkula, Haryana.

The above said FIR was registered on the statement of complainant-Vishnu Parkash Goyal who alleged that all the accused namely Suresh Goyal, Shivani Goyal, Ajay Tara Chand Bhattora and Rajesh Goyal offered to transfer their leasehold rights in respect of M/s Shivani Convenience Foods Private Limited situated at Jharmajri, Tehsil Baddi, District Solan,

Himachal Pradesh to the complainant and executed agreement dated 10.04.2019 agreeing to transfer leasehold rights for Rs. 4 crores and received the amount of Rs. 1 crore and while agreeing to making of remaining payment by 31.03.2020 but the accused persons got loan of Rs. 44.03 Crores sanctioned from Indian Bank at Surat, Gujarat by offering the said property as collateral security out of which amount of Rs. 9.50 Crores was disbursed to them by Indian Bank.

Learned Counsel for the petitioner has submitted that the above said agreement had been executed by Suresh Goyal-brother of the petitioner who was managing the affairs of the Company without knowledge of other Directors. He is missing since Septemeber 2019. The dispute is of civil nature which has been given the colour of criminal offence. The petitioner is ready to join the investigation and his custodial interrogation is not required in the case.

Notice of motion.

On the asking of the Court, Mr. Arjun Singh Yadav, Asst.AG Haryana accepts notice on behalf of the respondent-State. Copy of the paper book has been supplied to the Learned State Counsel, who seeks time to complete his instructions.

Adjourned to 08.05.2020.

In the facts and circumstances of the case, presence of complainant is considered to be necessary for just and proper decision of the petition. On oral request of learned counsel for the petitioner, complainant is ordered to be impleaded as respondent No. 2. Memo of parties be amended accordingly.

Notice to newly added respondent No.2 be issued for that date on filing of process fee by the petitioner and notice be also given dasti, if so desired.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him.

Personal appearance of the petitioner and the complainant is also ordered for the date fixed to explore the possibility of amicable settlement by reference of the matter to mediation in Medition and Conciliation Centre of this Court. ”

Learned State counsel on instructions from PSI Satish Kumar, Crime Branch, Panchkula states that in terms of the order of a Co-ordinate Bench of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 03.03.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 29, 2021
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No