

**102+207 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-20382-2021 (O&M)**

Date of decision: September 06, 2021

Sanjeev Kumar

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. H.S. Brar, Senior Advocate with  
Ms. Anshika Sharma, Advocate  
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Ishan Gupta, Advocate  
for the complainant.  
(through video conferencing).

**ARVIND SINGH SANGWAN, J. (Oral)**

**CRM-28053-2021**

Having heard learned counsel for the parties and in view of the reasons mentioned in the application, the same is allowed and complainant-Ram Dass Bansal s/o Kailash Bansal, resident of 222, Captain Karamjeet Singh Nagar, Sunam Road, Sangrur is ordered to be impleaded as respondent No.2.

Amended memo of parties appended with the application is taken on record.

**CRM-28061-2021**

For the reasons stated in the application, the same is allowed. Annexures R-1 to R-12 are taken on record, subject to all just exceptions.

Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.51 dated 2.5.2021 under Sections 420, 120-B IPC, registered at Police Station Longowal, District Sangrur.

The relevant part of order dated 21.5.2021 reads as under :-

“Learned counsel for the petitioner submits that petitioner Sanjeev Kumar son of Rameshwar Dass is friend of brother of one of the accused Abhishek Goyal. It is further submitted that as per allegations in the FIR, registered at the instance of one Ram Dass Bansal, proprietor of M/s Bhavya Organics, Link Road, Badrukhan, Sangrur, it is stated that four persons namely Bachitar Singh (who is stated to be PA to the Cooperative Minister, Punjab), Abhishek Goyal son of Makhan Lal Goyal, Sanjeev Goyal (Mintu) son of Parkash Chand Goyal and Pandit Vishnu Prashad, in conspiracy with each other, induced the complainant to deliver sugar worth Rs.74,16,611.10 to accused Pandit Vishnu Prashad. Out of the said payment, Rs.57,16,111.10 were paid, whereas Rs.87,90,037/- along with interest are due against M/s Goyal Sales Corporation. It is further stated that all the accused persons are habitual of doing similar type of frauds and some other FIRs are pending against them. It is further submitted that petitioner Sanjeev Kumar and co-accused Sanjeev Goyal (Mintu) are two different persons and on an assurance given by Abhishek Goyal that he is in need of loan, under a bonafide belief, he has transferred the amount through RTGS, net banking, a total Rs.9,50,500/- on two different dates i.w. 21.09.2020 and 05.10.2020.

Learned counsel for the petitioner has further submitted that when the petitioner has visited the bank, brother of co-accused Abhishek Goyal had accompanied him and this fact can be ascertained from the CCTV footage of the bank. It is thus submitted that in fact, the petitioner himself is a victim, who has extended the loan to the co-accused and in good faith, he has transferred the same in account of the complainant, whereas the petitioner, who is running Sahil Cloth House, was neither entrusted with sugar nor has any connection or meeting of mind with co-accused. It is further submitted that three of the accused Sanjeev Goyal (Mintu), Abhishek Goyal and Pandit Vishnu Prashad have been arrested, however, co-accused Bachitar Singh has not been arrested so far. It is also submitted that the Additional Sessions Judge, while dismissing the application of the petitioner, has drawn a presumption that petitioner Sanjeev Kumar and Sanjeev Goyal (Mintu) are the same person, whereas the petitioner has no concern with the activities of co-accused.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of the respondent-State while Mr. Ishan Gupta, Advocate has appeared on behalf of the complainant.

Learned State counsel, assisted by learned counsel for the complainant, has not disputed that petitioner Sanjeev Kumar and accused Sanjeev Goyal (Mintu) are different persons, however, it is submitted that the petitioner could not be give any explanation as to why he

has deposited an amount of Rs.9,50,500/- in the account of the complainant, therefore, he is also part of the conspiracy.

Learned counsel for the complainant has, however, submitted that the petitioner and other accused have adopted the modus operandi that as and when the liability of Sanjeev Goyal (Mintu) arises, petitioner issues cheque so that later on, a defence may be taken that they are different persons and the petitioner has no liability to make the payment and in this regard, many complaints are pending.”

Learned senior counsel submits that the petitioner has already appeared before the Investigating Officer and the investigation is complete and the challan stands presented.

Learned State counsel has filed reply by way of affidavit of Director, Bureau of Investigation, Punjab, Chandigarh, which is based on SIT report verified the investigation and has stated that the same has been examined and approved by the Director, Bureau of Investigation, Punjab, Chandigarh.

Counsel for the complainant has relied upon the affidavit of the complainant to submit that the petitioner and the other accused are indulge in similar activities and some other complaints are pending against them. It is also submitted that one of the co-operative society also moved an application before the Assistant Registrar, Co-operative Societies, Sangrur for recovery of some amount. However, he does not dispute that the investigation is complete.

In view of the above, the present petition is allowed and the order dated 21.5.2021 is made absolute, subject to the conditions envisaged under Section 438(2) Cr.P.C.

**September 06, 2021**  
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**( ARVIND SINGH SANGWAN )**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No