

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.42226 of 2020 (O&M)

Date of Decision: October 25, 2021

Puneet Goel & another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Sonpreet Singh Brar, Advocate,
for the petitioners.

Mr.Bhupinder Singh, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Learned counsel for the petitioners states that during the pendency of the present petition, petitioner No.1 Puneet Goel has expired and, therefore, petition qua him is rendered infructuous.

Ordered accordingly.

Petitioner-Amit Goel has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.504 dated 28.06.2018, under Sections 420, 406, 120-B IPC, 1860 and Sections 204, 506 IPC and Section 3 Haryana Protection of Interest of Depositors in FE Act, 2013, registered at Police Station, Sector 7, Faridabad, who is in custody since his arrest on 20.08.2018.

The contents of the FIR, as noticed by the Additional Sessions Judge, Faridabad in his order dated 09.07.2020, are as under:-

“The present case was registered on the basis of a complaint submitted to the police by Madhur Gupta with the allegations

that accused namely Anil Goyal, Amit Goyal, Puneet Goyal, Pallavi Goyal, Parul Goyal, Puneet Goyal and Veena Goyal, who are the directors of Peeyush Group have cheated him to the tune of Rs.20 lacs. However, the said project of the applicant was nothing and was only a showpiece and ultimately on being pursue, applicants and other accused persons agreed to repay the amount and issued some cheques as mentioned in the complaint but on presentation the said cheques were dishonoured. On these allegations, the present FIR was registered.”

Learned counsel for petitioner-Amit Goel has argued that as per the allegations in the FIR, the accused are engaged in the business of construction and complainant had suffered wrongful loss of Rs.20 lacs as he invested the said amount in the construction project, but there is no activity at the site of construction. He has submitted that against the said amount, though the cheques were given to the investors, but the complainant has falsely implicated the petitioner and other accused in the above FIR, as the dispute is of civil nature. According to him, the offences are triable by Magistrate and as the investigation of the case is complete, the further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, learned State counsel, assisted by ASI Puran Singh, has stated that the amount was deposited by the complainant in the accounts belonging to the accused, however, it is not disputed that the final report was filed on 17.10.2018 and during trial, three prosecution witnesses have been examined out of total ninety three witnesses. He has, however, pointed out that the petitioner is involved in other cases of similar nature.

At this stage, learned counsel for the petitioner has pointed out that in rest of the cases, the petitioner has been extended the concession of regular bail.

After hearing the learned counsel for the parties, considering the above background and the custodial period of the petitioner, this court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 20.08.2018. Further, the prosecution is yet to examine its remaining ninety witnesses and it may take considerable time to conclude the trial.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Faridabad.

The other pending applications are rendered infructuous.
Disposed off as such.

October 25, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No