

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43460-2020
Date of Decision: 10.02.2021

Puneet Goel and another

....Petitioners

Versus

State of Haryana

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.J.S.Bedi, Senior Advocate with
Mr.Rubal Garg, Advocate for the petitioners
Mr.Ashok Kumar Sehrawat, DAG Haryana

Deepak Sibal, J.

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.690 dated 05.09.2018, registered under Sections 420, 406, 120-B IPC and Section 3 of Haryana Protection of Interest of Depositors in FE Act, 2013 at Police Station Sector 7, Faridabad.

Briefly stated, the case of the prosecution is that the petitioners and their co-accused who are Directors of Piyush Group cheated the complainant to the tune of Rs.1 crore 53 lakhs by alluring him to invest in their projects with the promise of assured returns on their completion but after the complainant invested the aforesaid amount the petitioners and their co-accused neither completed the projects nor returned his money.

Learned Senior counsel appearing for the petitioners submits that no case of cheating or breach of trust under the IPC as also under Section 3 of Haryana Protection of Interest of Depositors in FE Act, 2013 is

made out against the petitioners as the Piyush Group of which the petitioners are Directors has already completed construction of most of the projects undertaken by them; Piyush Group has all good intentions of completing construction of the incomplete projects; some projects could not be completed due to certain unexpected events; in this particular case the petitioners have been in custody since 18.07.2019 and in similar cases pertaining to the same transactions since 18.07.2018 and thus have suffered incarceration for over 2½ years for an offence which carries a maximum punishment of 7 years; report under Section 173 Cr.P.C. has already been filed and therefore the petitioners are not in a position to tamper with the prosecution evidence/ witnesses; the petitioners' Passports already stand deposited with the Investigating Officer and therefore the petitioners are not a flight risk; in 20 of the identical cases filed by different complainants against the petitioners they are on bail in 18 of them and in this regard reference is made to two orders of this Court dated 21.07.2020 and 17.07.2020 passed in CRM-M-5522-2020- Amit Goyal and another and CRM-M-36918-2020 – Puneet Goel and another respectively and the petitioners' trial in which 72 prosecution witnesses have been cited will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioners on the ground that the petitioners have defrauded several complainants for a cumulative sum of over Rs.14 crores; the petitioners are facing 20 similar cases; the petitioners' father is still absconding and on release the petitioners may influence the prosecution witnesses.

Whether in the present matter a case under Sections 420, 406, 120-B IPC and Section 3 of Haryana Protection of Interest of Depositors in

FE Act, 2013 is made out against the petitioners would be debated during the course of trial. However, the petitioners have been in custody in this and other similar cases for the last over 2½ years; report under Section 173 Cr.P.C. has already been filed and therefore the petitioners are not in a position to tamper with the prosecution evidence/ witnesses; their Passports already stand deposited with the Investigating Officer; through orders dated 21.07.2020 and 17.07.2020 passed in CRM-M-5522-2020- Amit Goyal and another and CRM-M-36918-2020 – Puneet Goel and another, after considering similar objections as raised by the State in this case, this Court has granted regular bail to the petitioners; out of 20 similar cases against the petitioners they have already been granted bail in 18 of them and the petitioners' trial in which 72 prosecution witnesses are still to be examined is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioners be directed to be released on regular bail. Resultantly, subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Faridabad the petitioners are directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

10.02.2021
gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No