

(VIA VIDEO-CONFERENCING)

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on : 13.08.2021

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Pronounced on : 05.10.2021

+ BAIL APPLN. 1176/2021

AMIT GOEL

.....Petitioner

Through: Mr. Amit Mahajan, Advocate.

Versus

THE STATE NCT OF DELHI

..... Respondent

Through: Ms. Rajni Gupta, APP for the
State with SI Shiv, EOW.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

RAJNISH BHATNAGAR, J.

1. The present bail application has been filed by the petitioner under Section 438 Cr.P.C. read with Section 482 Cr.P.C. seeking anticipatory bail in case FIR No. 02/2019, under Sections 406/409/420/120B IPC registered at P.S. E.O.W.

2. Briefly stated, the facts of the present case are that the present FIR was registered on the complaint of Sh. Upendra Singh, Authorized

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Signatory of M/s P. Business Park Owners Association AR & Ors. It was stated by the complainant in his complaint that M/s Piyush Colonizers Ltd. having its registered office at A-16/B1 Mohan Co-operative Industrial Estate, Main Mathura Road, New Delhi-110044, accepted the bookings without mandatory permissions and later on neither returned the money nor delivered the booked units and thus committed cheating and fraud since the year 2006.

3. During the course of investigation, it was revealed that M/s Piyush Colonizers Ltd. launched their project "Piyush Business Park", located at Main Mathura Road, NII-2, Sec-31, Faridabad, Haryana in the year 2006 and gave false advertisements in the newspapers claiming that project had all the Government approvals while no layout plan was approved from the Government. Later, the company had closed its offices and has neither given the units to the victims nor refunded their money.

4. During the course of investigation of the case, the culpability of the Directors of M/s Piyush Colonizer Ltd. came on record. These directors are stated to have actively induced the complainant/victims to part with their money. They accepted bookings from the investors before taking approval from the concerned authorities.

5. It was also found during the investigation that petitioner/accused Amit Goel took active part in the day to day affairs of the company and

signed the balance sheets and other documents in the capacity of the Director. Petitioner/accused was the Director of the company at the time of commission of crime. During the course of investigation, complainants have been examined and they specifically named the petitioner /accused in their complaint.

6. I have heard the Ld. counsel for the petitioner, Ld. APP for the State, perused the Status Report filed by the State and also perused the records of this case.

7. It is submitted by the Ld. counsel for the petitioner that the petitioner is in J.C. since 18.06.2018 in other case. It is further submitted by the counsel for the petitioner that in most of the FIRs registered against the petitioner, the investigation is complete and the petitioner has been granted bail either before or after the filing of the charge sheet. It is further submitted by the Ld. counsel for the petitioner that no cause of action has taken place within the jurisdiction of Delhi. It is further submitted by the Ld. counsel for the petitioner that no second FIR and no fresh investigation is permissible on receipt of every subsequent information in respect of the same cognizable offence or the same occurrence. He further submitted that the prosecution is having the knowledge regarding the pendency of FIRs in Faridabad despite that the prosecution wants to arrest the petitioner in

the instant case, rather than transferring the present FIR to Faridabad where the present FIR can be clubbed alongwith other 49 complaints.

8. It is further submitted by the Ld. counsel for the petitioner that in the instant case no custodial interrogation of the petitioner is required as the petitioner has joined the investigation in numerous other similar cases where the charge sheet has been filed. He further submitted that there is nothing which the petitioner could get recovered as the company i.e. Piyush Colonizers Ltd. has already been admitted for Corporate Insolvency Resolution Process by NCLT vide order dated 30.09.2019. He further submitted that the IO of the case can investigate the petitioner by obtaining production warrant from the concerned court, rather than wait for the petitioner to come out from the jail and again arrest him in this case for no reason as nothing is to be recovered from him. It is further submitted by the Ld. counsel for the petitioner that the petitioner is on bail in 17 cases which have been granted by the Punjab & Haryana High Court and Sessions Court at Faridabad where the allegations against the petitioner are of similar nature with regard to the same company.

9. On the other hand, Ld. APP for the State has argued on the lines of the Status Report filed by the state and further submitted that there are total 15 victims and the cheated amount is more than Rs. 4 crores and the petitioner is involved in many other similar cases and is not

entitled to bail. It is further submitted by the Ld. APP that in case the petitioner is released on bail, he may tamper with the evidence and can influence the witnesses.

10. The present case is based on documentary evidence and now all the documents are in the possession of the prosecution. The petitioner is in J.C. since 18.06.2018. The allegations in the FIR are yet to be proved. I have also perused the bail orders placed on record by the counsel for the petitioner passed by the Punjab & Haryana High Court and the Sessions Court. As far as the contention that the custodial interrogation of the petitioner is required, in my opinion, the IO can very well obtain the production warrant and investigate the petitioner in order to complete the investigation in this case.

11. As far as the question of influencing the witnesses or tampering with the evidence is concerned, it is only an apprehension which has been expressed by the prosecution and in case the petitioner is found to influence any witness or tamper with the evidence, the prosecution can move the application for cancellation of bail of the petitioner.

12. Keeping in view the above said facts and circumstances and without commenting on the merits of the case, the bail application is allowed and it is ordered that in the event of arrest, the petitioner be released on bail on his furnishing a personal bond in the sum of Rs. 1,00,000/- with one surety of the like amount subject to the

satisfaction of the IO/SHO concerned. However, the petitioner is directed to join the investigation as and when called by the IO. The bail application is disposed of accordingly.

13. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of this case.

RAJNISH BHATNAGAR, J

OCTOBER 05, 2021

Sumant

