

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-19057-2021 (O&M)

Reserved on : 20.07.2022

Pronounced: 25.07.2022

Mohit Kumar Goyal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

Mr. P.S. Ahluwalia, Advocate for the complainant.

HARNARESH SINGH GILL, J.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 194 dated 21.09.2020, registered under Sections 406, 420, 465, 467, 468, 471 and 120-B IPC, at Police Station Division No. 3, District Police Commissionerate Jalandhar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and that as alleged by the complainant, he had supplied mustard oil to two firms, namely, M/s Family of Dry Fruits India Pvt. Ltd. and M/s Shree Shyam Trading Company, for which the outstanding amount against these firm is Rs. 19,28,813/- and Rs. 39,99,544/-, respectively.

He further submits that the outstanding amount of Rs. 19,28,813/- towards M/s Family of Dry Fruits India Pvt. Ltd. has already

been paid and the petitioner has no concern with M/s Shree Shyam Trading Company and therefore, the petitioner is not liable to pay the outstanding qua that firm; that the petitioner has approached the Hon'ble Supreme Court by way of Special Leave to Appeal (Crl.) No. 3690/2021 and the same was disposed of with a direction to Registry to take out a demand draft in the sum of Rs. 19 lakh along with interest accrued thereon, if any, in favour of respondent No. 2 and to hand over the same to the learned Advocate for respondent No. 2 and since that the due amount has already been paid, the petitioner be allowed to join the investigation as per law.

He still further submits that the petitioner can not be held liable to pay the outstanding amount towards M/s Shree Shyam Trading Company, which is not owned by him; that the allegations of committing forgery, fabrication, using forged documents for opening the accounts are not against the present petitioner and rather same are attributed to the co-accused.

Learned State counsel and the learned counsel for the complainant submit that the petitioner and co-accused by hatching a criminal conspiracy, have cheated the complainant to the tune of Rs. 59,28,357/- on account of non-payment of the costs of the mustard oil supplied by the complainant to both the firms i.e. M/s Family of Dry Fruits India Pvt. Ltd. and M/s Shree Shyam Trading Company, owned by the petitioner and the co-accused. It is further submitted that after a thorough investigation, the investigation agency has also drawn a conclusion that M/s Family of Dry Fruits India Pvt. Ltd. and M/s Shree Shyam Trading Company, both firms are sister concern and that is why the petitioner had issued bogus and fake cheques to the complainant in lieu of discharge of his legal liability.

Learned State counsel further submits that the petitioner is a habitual offender and is involved in 09 other cases of similar nature, registered in different States i.e. 01 in Jaipur (Rajasthan), 03 in Kotwali Katra, Shahjahanpur, Mirzapur (Uttar Pradesh) and 05 in Gurugram (Haryana).

I have heard the learned counsel for the parties.

As per the settlement, 50 % amount of the total payment of mustard oil was to be paid, on the delivery of consignment and remaining 50% amount through RTGS within 15 days, but the petitioner and co-accused have failed to make payment as per the settlement. The cheques given by the petitioner and co-accused to the complainant, in lieu of the payment of mustard oil were dishonoured and even as per the investigation report, the petitioner and co-accused cheated the complainant by hatching a criminal conspiracy. The petitioner is involved in 09 other cases of similar nature, registered in different States.

Keeping in view the criminal antecedents of the petitioner, his release may hamper the investigation and influence the witnesses and the gravity of offence committed by the petitioner along with the co-accused, the custodial interrogation of the petitioner is necessary. Hence, no ground to grant the concession of anticipatory to the petitioner bail is made out.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

25.07.2022

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No