

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CRM-M-31855 of 2022 (O&M)

Date of Decision:18.11.2022

Mahender Kumar @ Mahender Kumar Goyal

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana

Mr. Reshabh Bajaj, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.717 dated 16.12.2021, under Sections 406, 420, 120-B IPC as also Section 3 of Haryana Protection of Interest of Depositors (in Financial Establishment) Act, 2013, registered at Police Station City Ballabgarh, District Faridabad.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 31.05.2022 and the police has already completed the investigation in the matter and thereafter the report under Section 173 of the Code of Criminal Procedure has been submitted to the competent Court. He submitted

that the dispute in the present case was a financial dispute between the complainant and the petitioner whereby the allegations were that the complainant had given Rs.21,60,000/- to the petitioner for the purpose of making an FDR so that the amount can be doubled in four years. He submitted that allegedly some amount was given in cash and some amount was given by way of cheque and so far as the cash amount is concerned, allegedly receipt was also issued by the petitioner. He submitted that so far as the receipt is concerned, there is a dispute with regard to the signatures and the execution of the receipts also. Learned counsel further submitted that be that as it may, the learned counsel has already brought a demand draft for an amount of Rs.7,00,000/- and the same can be handed over to the learned counsel for the complainant who is present in Court today. He has further submitted that the petitioner is also involved in 8 more cases of similar nature but out of the aforesaid cases, in 4 cases the matter has already been compromised between the parties and quashing petition based upon compromise has already been filed before this Court. He has further submitted that in view of the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has stated that it is correct that the petitioner is in custody from 31.05.2022 and the police has already completed the investigation in the matter. He submitted that the petitioner is involved in 8 more cases.

Learned counsel appearing on behalf of the complainant has stated that the total amount involved in the present case was Rs.21,60,000/- whereas the learned counsel for the petitioner has brought a demand draft of Rs.7,00,000/-

only.

I have heard the learned counsel for the parties.

At the outset, the aforesaid demand draft of Rs.7,00,000/- in favour of the complainant has been handed over to the learned counsel for the complainant in the Court today. The petitioner has faced incarceration from 31.05.2022 and the investigation of the case has already been completed. So far as the other cases in which the petitioner is stated to be involved, learned counsel for the petitioner has stated that out of those 8 cases, in 4 cases quashing petitions on the basis of compromise have already been filed before this Court. So far as the remaining amount in the present case is concerned, learned counsel for the petitioner disputed the aforesaid disputed amount especially pertaining to the alleged receipts which have been issued by the petitioner. Be that as it may, partial amount has been paid to the complainant today itself, therefore this Court is of the considered view that the petitioner deserves the concession of regular bail. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

November 18, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No