

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

**CRM-M No.39873 of 2022
Date of Decision: 17.11.2022**

Ashish Goyal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Argued by :- Mr. Shehbaz Thind, Advocate,
for the petitioner.

Mr. Vikas Arora, AAG, Punjab.

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MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case arisen out of the FIR bearing No.0130 dated 13.07.2022 registered at Police Station Sadar Ludhiana, under Sections 406, 420, 467, 468, 471, 120-B read with Section 34 IPC, the petitioner has preferred the instant petition for seeking the relief of pre-arrest/anticipatory bail.

2. Shorn and short of unnecessary details, the allegations, as levelled by the informant (Manager, Canara Bank, Village Jhande Branch) in the subject FIR, are that the co-accused of the petitioner named Raj Kumar Goyal, Ashish Sood and Rajni Sood, had raised the total loan to the tune of Rs.1,16,64,158/- from the said Bank, on different occasions during the period from 11.04.2022 to 26.05.2022, by pledging the gold jewellery

items with it (Bank) after the petitioner had submitted his report regarding the genuineness thereof. Subsequently, the Regional Office of the Bank had got the afore-said jewellery items re-appraised by one Aman Wadhwa who reported the same to be the fake ones.

3. Status-report on behalf of the respondent-State, by way of the affidavit of the Assistant Commissioner of Police (South), Ludhiana and one more affidavit of the said police officer, along-with Annexures R-1 and R-2, have already been filed.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner has contended that in fact, the petitioner had sent a complaint (Annexure P-2) to the Head Office of the said Bank qua the fraudulent transactions and the irregularities having been made/committed in its several branches and the above-said FIR is a counter-blast to the same and moreover, at the time of the re-appraisal of the pledged gold jewellery items, neither the petitioner nor his afore-named co-accused (loanees) were present at the spot and this fact, in itself, renders the entire version of the informant a highly doubtful one and in these circumstances, the petitioner deserves the relief as prayed for in the instant petition.

6. Per contra, learned State counsel has argued that the petitioner and his afore-named co-accused (loanees) are very well connected to one another and rather, his co-accused Raj Kumar Goyal happens to be his

(petitioner's) paternal uncle and the entire process of re-appraisal of the said gold jewellery items was captured in the CCTV cameras installed in the Bank premises and the footage thereof matched with the version of the informant and keeping in view the nature of the offence as committed in the case, this petition be dismissed.

7. As regards the contention regarding the above-said FIR being a counter-blast to the complaint Annexure P-2, the same can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence as may be led on the record during the course of the trial and the same cannot be decided at the stage of dealing with the present bail petition.

8. So far as the contention regarding the re-appraisal proceedings of the said gold jewellery items having been conducted in the absence of the petitioner and his said co-accused is concerned, it is worth-while to mention here that it has categorically been mentioned in Para No.5 of the status-report and also in Para No.3 of the Affidavit of the afore-said Police Officer that the process of the re-appraisal had been recorded in the CCTV cameras installed in the premises of the Bank and the pen-drive containing the footage in respect thereof, had also been submitted by the Bank to the Investigating Agency. Moreover, but for the report given by the petitioner regarding the genuineness of the said gold jewellery items, his above-named co-accused would not have been able to secure the loan from the Bank and thus, it is explicit that the petitioner is alleged to have played a key role in the crime.

9. Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory/pre-arrest bail. Resultantly, the petition in hand stands dismissed.

10. However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

November 17, 2022

(MEENAKSHI I. MEHTA)
JUDGE

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