

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-48683-2021

Date of decision : 19.01.2022

Chetan Goyal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.P.S.Ahluwalia, Advocate
for the petitioner.

Mr.Sukhbeer Singh, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.146 dated 24.07.2021 registered under Sections 406, 420, 506 and 120-B IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 at Police Station Urban Estate, District Patiala.

On 22.11.2021, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, a civil dispute has been given a criminal colour. He has referred to a Chart starting from page Nos.5 to 7 of the paper book, in order to highlight the fact that there were transactions between

the complainant's son and the petitioner's firm namely, Fair Deal Services and in fact, the amount paid to the complainant's son by the petitioner is to the tune of Rs.29,62,900/- whereas the amount paid by the complainant's son to the petitioner is Rs.4,50,000/-. The petitioner has very fairly even given the chart showing the transactions between the petitioner's firm and the complainant and as per the said chart, it is the petitioner's firm which owes money to the complainant. It is further submitted that another amount of Rs.1,00,000/- was paid by the petitioner to the complainant's son towards booking of a brand-new Toyota Fortuner car, and for the said purpose, learned counsel for the petitioner has referred to E-mail dated 15.07.2021 (Annexure P-4). It is further highlighted that in fact, two sale deeds dated 29.07.2021 (Annexures P-5 and P-6) have also been executed on the asking of the complainant, in favour of close associates of the complainant namely Mr. Amit Kumar Gupta and Mr. Ashwani Kumar Bhambri. It is also submitted that both the sale deeds have been witnessed by one Yadwinder Kansal and as far as close relationship between the parties is concerned, photographs (Annexures P-7) and social media profile (Annexure P-8) have been highlighted to show that the said witness Yadwinder Kansal and the buyers i.e. Ashwani Bhambri and the

complainant are close associates. Reference has also been made to Whatsapp chats (Annexure P-9) between the petitioner and son of the complainant to show that there are good relations and money transactions between the parties. It is further argued that there were business transactions between the petitioner and the complainant and the FIR has been registered on account of political influence which the complainant has, for which, reference has been made to photograph (Annexure P-10). It is also contended that CIA Staff had come to the residence of the petitioner and had taken him illegally and for the said purpose, reference has been made to photographs (Annexure P- 11).

Notice of motion.

On asking of the Court, Mr. N.K. Banka, DAG, Punjab, appears and accepts notice on behalf of State of Punjab and Mr. Tajinder Pal Singh Makkar, Advocate appears on behalf of the complainant and seek time to get instructions.

Adjourned to 19.01.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as

provided under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Jaspal Singh, has submitted that the petitioner has joined the investigation on 18.01.2022 and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 22.11.2021 and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition for anticipatory bail is allowed and the interim order dated 22.11.2021 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

January 19, 2022

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No