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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Reserved on: 1st February, 2022
Decided on: 16th February, 2022

\+ **BAIL APPLN. 4328/2021**

CHANCHAL GOYAL ..... Petitioner

Represented by: Mr Sanjay Hegde, Sr. Advocate with Mr Mukesh Rana, Ms Mamta, Mr Randhir Kumar and Mr Mohd. Shahrukh, Advocates.

versus

STATE (N.C.T. OF DELHI) ..... Respondent

Represented by: Mr Tarang Srivastava, APP for the State.
Mr Ajayinder Sangwan, Mr Rohan Sharma, Mr Summinder Paswan and Mr Siddharth Gill, Advocates for complainant.

\+ **BAIL APPLN. 11/2022**

NAVEEN KUMAR DEOSARIA ..... Petitioner

Represented by: Mr Sanjay Hegde, Sr. Advocate with Mr Mukesh Rana, Ms Mamta, Mr Randhir Kumar and Mr Mohd. Shahrukh, Advocates.

versus

STATE (N.C.T. OF DELHI) ..... Respondent

Represented by: Mr Tarang Srivastava, APP for the State.
Mr Ajayinder Sangwan, Mr Rohan Sharma, Mr Summinder Paswan and Mr Siddharth Gill, Advocates for complainant.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

1. By these petitions, the petitioners seek anticipatory bail in FIR No. 504/2021 registered pursuant to the directions of the learned Metropolitan Magistrate under Section 156(3) Cr.P.C. under Sections 420/34/120-B IPC at PS K.N. Katju Marg.

2. Learned Senior counsel for the petitioners contends that the alleged audio recording of the conversation alongwith the status report dated 13th January, 2022 neither mentions the date nor the time of conversation. Further from the short reply of the complainant, it is evident that this alleged conversation filed alongwith the status report dated 13th January, 2022 was of 3rd October, 2021 after filing of the complaint on 21st September, 2021 resulting in the registration of the abovenoted FIR.

3. Learned Senior counsel for the petitioners further states that the complainant sold the property to the petitioners on which the investigating officer of P.S. Connaught Place had already issued a letter to the Sub-Registrar, Pargana Magistrate (Sadar), Dehradun, Uttrakhand requesting to maintain status quo as the same was a matter of investigation in FIR Nos.43/2020, 44/2020, 45/2020 and 46/2020 under Sections 419/420/468/471/120B IPC registered at P.S. Connaught Place. The alleged money transferred to the account of Naveen Kumar Deosaria was the return of the earnest money taken vide Agreement to Sell entered into between Naveen Kumar Deosaria, Natish and Prachi Saxena, copy whereof is annexed as Annexure-2 to the Bail. Appl. 11/2022. It is the petitioners who have been duped by the complainant Prachi Saxena who is a lawyer and accused in abovenoted FIR No.45/2020 alongwith her husband and by

relying upon the alleged conversations after the filing of the complaint, the complainant is trying to mislead this Court.

4. Learned APP for the State has taken this Court through the contents of the FIR and contends that by circulating the money received from the complainant, the petitioners purchased the property of the complainant and her brother-in-law and thus cheated them.

5. Learned counsel for the complainant contends that there are specific allegations against the petitioners in the FIR in question and it is a classic case of sham transaction resulting in the execution of the sale deed dated 6th January, 2021 and the entire money was transferred back to the petitioners as is evident from the various conversations/transcript thereof. The petitioners were in constant touch with main accused Deepak Goyal who has been using mobile phone from inside the Tihar Jail and the three of them executed the conspiracy. As on date, the property is with the petitioners and money is also lying with them. The entire money of the complainant has been siphoned off and the remaining money was taken in cash. In view of the serious allegations against the petitioners, who are habitual offenders no anticipatory bail be granted to them.

6. In the above-noted FIR, the complainant Prachi Saxena stated that her husband was in judicial custody in Tihar Jail in FIR Nos. 43/2020, 45/2020 and 46/2020 registered at PS Connaught Place and FIR No. 193/2020 registered at PS EOW under Sections 420/467/468/471/34 IPC and that the complainant was also an accused in FIR No.45/2020 registered at PS Connaught Place. In the month of October-November, 2020 her husband met a person namely Deepak Goyal in Tihar Jail, who told her husband that he was a kingpin of bails and can get bail in any matter. Deepak Goyal told

her husband that he has managed the jail authorities, has unlimited access to internet enabled phone and operates from inside the jail. Deepak Goyal lured her husband that he can get her husband to talk to the complainant, whenever he likes from his phone. Deepak Goyal further stated that he operates with the constant help of his wife Chanchal Goyal and brother-in-law Naveen Kumar Deosaria. Deepak Goyal took the complainant's number from her husband and called her number of times from inside the jail itself. She recorded some of the conversations. Deepak Goyal told her that he had contacts with good lawyers and he can secure the bail for her husband on the condition that they will have to deposit money in the Court. He then asked the complainant about the source of payment for depositing the money in Court for securing conditional bail for her husband, to which the complainant replied that they had one property in Dehradun owned by her along with her brother-in-law and that the same was lying mortgaged with the title documents deposited with one Shiv Narula. Deepak Goyal asked her about the amount of loan which was to be repaid for the release of the said title documents of the property, to which she stated that the same was around 12 lakhs. Deepak Goyal told the complainant that in case they could get the title documents released of the said property, he could get their property financed or sold in order to generate money for depositing the same before the Court. The complainant stated that they did not have so much of funds but had some gold ornaments belonging to her and her mother-in-law.

7. Deepak Goyal asked the complainant to meet his wife i.e. Smt. Chanchal Goyal. Thereafter, Chanchal Goyal came and met her. She lured the complainant that she and her husband are well-versed in these bail

matters and she has a loan already sanctioned in her favour from ICICI Bank and that she could help the complainant. Chanchal Goyal further stated that her brother-in-law Naveen Kumar Deosaria is the key person who helps her and that they should deposit the money in the account of Naveen Kumar Deosaria and get it transferred to their account so that there is no trouble on account of the income tax, by depositing huge amounts in their bank accounts. On the complainant asking as to why Naveen would not get troubled by the income tax department, Chanchal Goyal stated that Naveen keeps on depositing in his account and has tackled Income Tax Department number of times. Chanchal Goyal asked them to follow the instructions of Deepak Goyal and stated that they are also getting bail orders for other inmates of Tihar Jail.

8. Complainant further stated that whenever she talked to her husband Vikram Saxena, he asked her to do whatever Deepak Goyal tells her and that they were also getting bail orders for other inmates of Tihar Jail and that Deepak had great influence inside the jail and is allowed to use and keep mobile phones with Whatsapp and other facilities. Thus Deepak had convinced her husband by telling him about the cases he had got solved. Thereafter, Deepak called complainant and asked her to arrange funds for getting the property documents from Shiv Narula and also told the complainant to give the said money to Naveen who will deposit the said amount in his account.

9. Deepak Goyal told the complainant that he and his wife carried out all banking transactions through AU Small Finance Bank, Paschim Vihar, Delhi as the Manager of the said bank, manages the transactions and has already been told to get their account opened in the said branch. Deepak Goyal told

her that his wife and brother-in-law have their accounts in the same branch which will facilitate them to withdraw the amount or make demand draft etc. easily. Deepak Goyal further told the complainant that Naveen would deposit the cash in his account maintained in the same branch, which amount will be transferred in their newly opened account and converted into demand draft in favour of Shiv Narula from their newly opened account and will be given to them within minutes. Deepak Goyal further told that Naveen will get the papers prepared for getting the property released and one bayana signed so as to show that Shiv Narula himself was a financer.

10. Thereafter the complainant got the funds arranged and spoke to Naveen, handed-over most of the funds to him and their associates Harsh whose recordings are available with the complainant in her phone. On the direction of Deepak Goyal, the complainant talked to Manoj Pande who on his instructions opened the bank account and Naveen transferred the said money into their account and got the papers prepared on the constant guidance from Deepak Goyal over phone. Thereafter the complainant and Naveen met Shiv Narula and his son where Naveen told himself as a financer and on handing-over the demand draft of ₹12 lakhs prepared from our own account from AU Small Finance Bank, Paschim Vihar, Delhi, the title documents were got released from Shiv Narula. Thereafter Deepak called the complainant and told her that he was arranging one meeting with one party in Dehradun who may be prospective buyer of their property and she should give the title documents of their property to Naveen so that the same can be shown to the prospective buyer. Chanchal Goyal also met them and convinced the complainant that she and her husband were engaged in property business since long and have arranged meetings as well, thus the

complainant should hand-over the title documents of her property to Chanchal Goyal. Thereafter Deepak Goyal started calling the complainant on regular basis from different phones, and told her to sell the property directly as other people who finance the property will charge high rate of interest which recording is available with the complainant.

11. Thereafter, Chanchal Goyal lured the complainant on the pretext that she has a pre-sanctioned loan in her favour, she can show that she is purchasing her property and the bank will transfer the amount in her accounts, which can be deposited with the Courts. Meanwhile orders for grant of bail will be passed on conditional basis for her husband. The Bank accounts that Deepak got opened in AU Small Finance Bank from which demand drafts were to be prepared were closed as the cheques for opening the said accounts were dishonoured. Naveen & Chanchal met the complainant at Sector-16 near Registrar office, Ambedkar Bhawan, and Naveen got one document signed from her stating that it would help him for showing in income tax return that he had transferred the money in complainant's accounts for the deal of property and the same will be cancelled later. Thereafter, Deepak asked complainant to withdraw the money so that money can be easily given back to Chanchal and she would again deposit the said money in her account. Though the complainant was not comfortable for the same as the bank used to levy high charge for withdrawing money from non-home branch but Deepak insisted her to do the same by transferring her money in each other's account. Chanchal transferred money in complainant's account which was withdrawn and handed over to Naveen who took it from complainant and handed over to Chanchal.

12. On 30.12.2020 Deepak Goyal called complainant and told her that Chanchal is sitting in bank, she is transferring the money in her account and the complainant has to withdraw the same and return in cash to Chanchal. Complainant received ₹9,65,000/- in her account and withdrew ₹7,65,000/- in cash and took ₹2,00,000/- from her relative as directed by Deepak Goyal in recording, and gave it back to Naveen. Similarly, ₹9,65,000/- was transferred by Chanchal Goyal in the account of Natish Saxena on 31.12.2020 and same were given back to Chanchal Goyal in Rohini, Delhi same day after withdrawal from his account. Further, out of two demand drafts of ₹25 Lakhs each deposited in the account of the complainant on the date of Registry, two cheques of ₹12 lacs and 11 lacs were taken by Naveen from her account on 12th January, 2021 by saying that he will set off the said entry and the money shall be withdrawn and deposited in terms of the Bail order as will be passed by the Hon'ble Court. On direction of Chanchal Goyal and Deepak Goyal, ₹9,00,000/- and ₹11,50000 were transferred from the account of Natish Saxena to Kotak Bank account and amount of ₹8 Lacs and 9 Lacs were withdrawn in cash and given to the Chanchal Goyal and Naveen. ₹10 lacs cash were given to Naveen in RDC Ghaziabad. On Chanchal and Deepak Goyal's direction 7 Lacs cash were given near BLK Hospital, Delhi and ₹5 lakhs cash was deposited in the account of Chanchal Goyal on 17th May, 2021. Further an amount of ₹5,00,000/- was taken from the complainant as registry charges which she had arranged from her relatives and by selling her jewellery.

13. During the course of investigation certified copies of the sale deed and other documents were collected from the Sub-Registrar, Dehradun, Uttarkhand in relation to property bearing No. 40, Krishna Vihar, Jakhan

Pargana and it was revealed that the sale deed was executed by Natish Naxena and Prachi Saxena in favour of Chanchal Aggarwal on 6th January, 2021 for a total consideration of ₹70 lakhs. Notice was also issued to AU Bank Paschim Vihar, ICICI Bank Saket, HDFC Bank Dehradun, Kotak Mahindra Bank Dehradun and PNB Dehradun for the account statement which was collected and analysed. It was found that on 30th December, 2020 ₹9.65 lakhs were deposited by Chanchal Goyal in the account of complainant through RTGS and on the same day ₹7.6 lakhs was withdrawn by the complainant in cash. On 31st December, 2020 a sum of ₹9.65 lakhs was transferred through RTGS to Natish Saxena and the same was handed-over to Naveen on the same day. Further on 12th January, 2021 ₹1 lakh and 11 lakhs were deposited through cheques by Natish Saxena in the account of Naveen Kumar. On 17th May, 2021 ₹4,90,000/- cash was deposited by Prachi Saxena in the account of Chanchal Goyal at ICICI Bank.

14. A perusal of the contents of the above FIR and the investigation reveal that the three accused in connivance with each other got transferred the property of the complainant in the name of Chanchal Goyal by rotating the funds into various accounts. Undoubtedly, the conduct of the complainant is also not above board as she sold the property to Chanchal Goyal for which a restrain request had already been made to the Sub-Registrar by the investigating officer in FIR No.45/2020 registered at P.S. Connaught Place. However, the manner in which the offence has been committed by hatching a conspiracy, while one of the accused Deepak Goyal was lodged in Jail, needs an in-depth investigation

15. Consequently, this Court does not find deem fit to grant anticipatory bail to the petitioners. Petitions are accordingly dismissed.

16. Order be uploaded on the website.

(MUKTA GUPTA)
JUDGE

FEBRUARY 16, 2022
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