

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

**CRM-M-3913-2023 (O&M)
DECIDED ON: 25th JANUARY, 2023**

PRAKASH CHAND GOYAL

PETITIONER

VERSUS

STATE OF HARYANA & ANOTHER

RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Durga Dutt Sharma, Advocate and
Mr. Gulshan Kr. Sachdev, Advocate
for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 438 Cr.P.C., has been invoked for the grant of anticipatory bail to the petitioners in case FIR No. 456, dated 30.12.2020, under Sections 406, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 (Sections 506 and 509 stand deleted), registered at Police Station Sector 50, Gurugram, District Gurugram.

Learned counsel for the petitioners has vehemently argued the petitioner No.1 is working as Cluster Manager (Business Loan) whereas, petitioner No.2 is working as Regional Manager in Bajaj Finance Company Ltd. It is submitted that the petitioners have been falsely implicated in the present case. In fact, it is matrimonial fight between the complainant/respondent No.2 and her ex-husband, who is the main accused. From a bare perusal of FIR it is abundantly clear that the dispute

is commercial in nature and the complainant/respondent No.2 and her husband took a loan from Bajaj Finserv Company.

The assertion is that after paying 24 EMIs, the complainant alleged that the loan has been obtained by fraud and after getting divorce from her husband the complainant in order to defraud the company and to evade her legal liability, has filed a false and malicious case against the petitioners.

Notice of motion.

On the asking of Court, Mr. Gagandeep Singh Chinna, AAG, Haryana accepts notice on behalf of respondent-State whereas, Mr. Nilesh Bhardwaj, Advocate has put in appearance on behalf of respondent No.2-Complainant and filed his memo of appearance, which is taken on record.

Learned counsel for the complainant submits that the petitioners have hatched a criminal conspiracy in connivance with the husband of respondent No.2-complainant by forging the documents for raising a loan in the name of respondent No.2-complainant. The assertion is that neither respondent No.2-complainant has raised a loan nor any such loan was ever disbursed to her. The contention is that she never signed the loan documents and her signatures on the loan documents are forged, as evident from the report received from RFSL Bhondsi. The installments of the loan have been paid by the husband of the complainant from joint account without her knowledge. Moreover, the marriage between the respondent No.2-complainant and her husband has already been dissolved.

Having heard learned counsel for the parties.

The petitioners are the competent authority to approve the loan, therefore, it was their duty to verify the genuineness of the documents

so submitted by the loanee while raising the loan before sanctioning it. It is crystal clear that the petitioners have hatched a criminal conspiracy in connivance with the husband of respondent No.2, forged the documents and sanctioned the loan. The petitioners have actively participated in the commissioning of offence.

This Court is of the considered view that the custodial interrogation of the petitioners are required to unearth the entire conspiracy, cheating and fraud committed by the accused-persons.

In view of above, no ground for grant of concession of anticipatory bail to the petitioners is made out.

Dismissed.

(SANDEEP MOUDGIL)
JUDGE

25th JANUARY, 2023.

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| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |