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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14643-2020 (O&M)

Date of decision: August 01, 2023

Deepak Gupta

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Navjot Singh, Advocate for petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Shubham Tandon, Advocate for complainant.

ARUN MONGA, J. (ORAL)

After being declined bail by the trial Court, petitioner before this Court seeks his release as undertrial in case bearing FIR No.0351 dated 04.05.2018, registered under Sections 406, 409, 420, 467, 468, 471, 506, 120-B of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station, City Sonipat.

2. Per prosecution version, complainant, namely Jitender Kumar, proprietor of M/s Jai International Trading has been cheated of Rs.1,82,00,000/- by accused Deepak Gupta (petitioner), Pallavi Gupta, Sunita, Sonal Gupta, Vishal Devgan, Vinit Gupta and M/s Shree Hari Overseas through its directors, Mohit Goyal, Ashok Chadha, Anmol Goyal, Sumit Kumar and M/s Ringing Bells Pvt. Ltd. through its director, on the allurement of earning profits on his investment. It is also alleged by the complainant that all the aforesaid also defrauded Punjab National Bank to the tune of Rs.60 crore and CBI has lodged an FIR in this regard. Complainant has also instituted complaint under Section 138 of the Negotiable Instruments Act, 1881 against the accused persons, but accused persons were allegedly threatening the complainant to eliminate him and his family. An FIR was registered on his complaint. In course of investigation, petitioner was arrested as suspect on 13.11.2018, after six months of the FIR.

3. Learned counsel for petitioner submits that petitioner has been falsely implicated in this case. He submits that proceedings under Section 138 of NI Act were

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stayed vide order dated 22.02.2018 by a co-ordinate Bench of this Court in a petition bearing CRM-M-7758-2018 filed by co-accused, namely Pallavi Gupta. Subsequently, on 03.12.2018, even a compromise was effected between the parties and a tripartite agreement dated 03.12.2018 was entered for the said purpose. He further submits that vide order dated 29.04.2019 passed by learned Court below, petitioner was released on interim bail for a period of three months, in view of compromise arrived at between the petitioner and the complainant. Said concession was extended from time to time. However, vide order dated 06.06.2020 (Annexure P-12), interim bail granted to the petitioner was dismissed.

3.1. Learned counsel for petitioner further contends that during pendency of the present petition, another compromise dated 15.04.2023 has been effected between the parties according to which entire remaining amount has been paid, except Rs.9.9 lakh, for which two post-dated cheques have been given and accepted by the complainant. Petitioner was released on interim bail by this Court vide order dated 09.05.2023 and he has not misused the said concession.

4. Learned counsel for the complainant also admits the factum of aforesaid compromise effected between the parties and submits that he has no objection, in case, petitioner is granted concession of bail.

5. Learned State counsel, on instructions from ASI Girish opposes the petition in view of the nature of offences involved in the FIR.

6. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

7. Since the matter has been stated to be amicably settled between the parties, without going into the allegations *qua* role attributed to the petitioner, I am of the view that petitioner deserves concession of bail. In any case, alleged offences in FIR are of non-violent nature and petitioner is no threat to society if enlarged on bail.

8. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

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9. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

10. Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for limited purpose of bail hearing alone and learned trial Court shall proceed without being influenced with this order.

11. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 01, 2023

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No