

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

CRM-M-27506-2022
Date of Decision:-**28.02.2023**

MAHENDER KUMAR GOYAL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Anshul Sharma, Advocate
for the complainant.

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KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.574 dated 27.8.2019 registered under Sections 406, 420, 201, 120-B IPC (Section 3 of Haryana Protection of Interest of Depositors (in Financial Establishment) Act, 2013, added later on) at Police Station Sector-8, District Faridabad.

The allegations in a nut-shell are that one Sunil Goyal and the present petitioner induced the complainant and his mother to invest an

amount of ₹1,01,50,000/- in M/s UFL Portfolio Ltd. and Goga Ji Jewellers Ltd. on the pretext of paying huge profits to them and thereafter the petitioner and Sunil Goyal failed to return the said amount and rather the petitioner issued cheque No.357996 dated 21.1.2019 amounting to ₹2,40,00,000/- in the name of the son of the complainant and on presentation of the said cheque, it was dishonoured with the remark 'account closed' and consequently FIR was registered in the present case.

The counsel for the petitioner submits that the allegations against petitioner are that in this case the accused persons took ₹1,01,50,000/- from the complainant and her son by projecting that they will get huge profit. The counsel for the petitioner further submits that the petitioner is in custody since 28.4.2022 and after completion of investigation, police has presented challan and trial is going on and it will take considerable time for the trial to conclude. The counsel of the petitioner further submits that the demand drafts of ₹18 lacs and ₹9 lacs out of disputed amount have been handed over to the son of the complainant today in the Court. The copies of the demand drafts are taken on record. The counsel for the petitioner further submits that in the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any indefinite period.

The counsel for the complainant has admitted that demand drafts worth ₹27 lac have been received by the son of the complainant from the opposite party.

The State counsel on instructions from Inspector Sanjiv apprised the Court that the petitioner is in custody since 28.4.2022 and the

trial has commenced and 2 prosecution witnesses out of 15 prosecution witnesses have been examined. The State counsel further apprised the Court that the petitioner is also involved in some other criminal cases.

The counsel appearing on behalf of the petitioner has clarified that the petitioner is enlarged on bail in all the other criminal cases registered against him.

I have considered the submissions made by counsel for the parties.

Apparently there appears to be money dispute between the parties. As per the allegations, petitioner received certain amount detailed in the FIR from the complainant out of which demand drafts of ₹27 lacs have been received by son of the complainant today in the Court from wife of the petitioner. Further, the investigation has been completed and trial has commenced but it will take considerable time for the trial to conclude, so no purpose is going to be served by prolonging judicial custody of the petitioner.

Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

28.02.2023
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No