

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

CRM-M-49257-2022
Date of Decision:-**28.02.2023**

SUNIL GOYAL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Himmat Singh Deol, 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)

The petitioner has approached this Court seeking grant of regular bail in a 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 nut-shell are that Mohinder Kumar 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 Mohinder Kumar Goyal failed to return the said amount and rather Mohinder Kumar Goyal 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 only allegations against petitioner are that amount of ₹6 lac was given to him by the complainant and the said amount was deposited in the bank account of the petitioner. The counsel for the petitioner submits that he has nothing to do with Goga Ji Jewellers. The counsel for the petitioner further submits that the petitioner is in custody since 23.6.2022 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 draft of ₹3 lac out of disputed amount of ₹6 lac has been handed over by the wife of the petitioner to the son of the complainant and he has accepted the same. The copy of the demand draft is 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 draft of ₹3 lacs has been received from the wife of the petitioner by the son of the complainant.

The State counsel on instructions from Inspector Sanjiv apprised the Court that the petitioner is in custody since 23.6.2022 and 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 involved in 4 other cases.

The counsel appearing on behalf of the petitioner has clarified that the petitioner has been enlarged on bail in the aforesaid 4 cases.

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 draft of ₹3 lac has 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.

28.02.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No