

Neutral Citation No.2023:PHHC:151594
HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48852 of 2023
Date of Decision: 29.11.2023

Gautam Jindal

.....Appellant

Vs.

State of Haryana

.....Respondent

CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. Devender Arya, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Amit Gupta, Advocate for the complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 438 Cr.P.C., read with Section 482 Cr.P.C., petitioner prays for grant of anticipatory bail in case FIR No.0144 dated 01.06.2023 registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station Kosli, District Rewari, Haryana.

2. FIR was lodged on the complaint of one Rajender Singh, as per which he has been defrauded by petitioner Gautam Jindal along with Vinod and Pramod. An amount of ₹1,42,09,000/- was given by the complainant to the petitioner on the allurements that petitioner will return the amount by making it double. Petitioner kept on assuring the complainant to return his money and even executed pronote in his favour. Cheques issued in favour of the complainant were dishonored. It is further alleged that complainant was called near Court premises, Rajiv Chowk, Gurgaon by the petitioner, who asked for giving his car No.HR43C-2455 Marka Brezza, stating that he (petitioner) will bring his money and will return the car after 6-7 days. However, petitioner fraudulently prepared an affidavit in a fake manner and handed over to the complainant. Petitioner then mortgaged the said car of the complainant to Vinod Kumar @ Watson for an amount of ₹1,30,000/- and said co-accused Vinod by making false signatures of the complainant,

sold the car to another co-accused Pramod.

3. It is contended on behalf of the petitioner that he has been falsely implicated; and that there is no specific allegation against him; that he (petitioner) and complainant were in the business of lending money to other people on interest and used to arrange the money from the complainant. Petitioner contends that no money was ever transferred to him and that as petitioner told the complainant that he was no longer interested in the business, complainant asked for his money and was told that petitioner should recover the money given by him on interest from the people concerned and it is because of this refusal of the petitioner to stay in the business that this FIR has been lodged. Petitioner further submits that complainant is pursuing parallel proceedings, as he has already filed separate complaints under Section 138 of the NI Act in respect of cheques worth ₹1,43,09,000/-; that earlier a complaint was filed before Commissioner of Police, Gurugram in which petitioner joined inquiry and was found innocent. Petitioner placed on record copy of the notices Annexures P.3 to P.7. Petitioner further submits that he is ready to join the investigation and except for two other cases, in which he is on bail, he is not involved in any other case. With these submissions, prayer is made for grant of benefit of pre-arrest bail to the petitioner.

4. Strongly opposing the petition, learned State Counsel drawn attention towards police report and submitted that petitioner committed offences of forging of documents apart from cheating to the tune of ₹1,43,00,000/- from the complainant. The specimen signatures of the complainant were got compared with the signatures on Form No.29/30 taken from the Registering Authority, Kosli and the same were not found to be not matching with each other. Petitioner wrongly gave his address, inasmuch as

he was found to be not residing at the given address and was not in contact with his family members for the last 5-6 months. So much so, numerous notices under Section 41A were issued to the petitioner and co-accused to join the investigation but none of them joined the same and all of them are absconding. Brezza Car is yet to be recovered. Details of 25 cases is given in para-No.13 of the status report, which are against the petitioner, out of which 19 cases are pertaining to the Negotiable Instrument Act. Learned State Counsel submits that petitioner is accused of commission of planned economic offences affecting the society at large. He is the beneficiary of the proceeds of the Brezza Car and so, his custodial interrogation is required. Prayer is made for rejecting the bail petition.

5. Supporting the State Counsel, complainant also made appearance through his counsel by filing separate reply and submitted that petitioner had even executed pronote in respect of ₹1,42,09,000/- in his favour. Petitioner had obtained the money on the assurance of doubling the same during 2018-2021 and in deceitful manner, took away car of the complainant. It is further pointed out that though petitioner claimed to have been found innocent during an inquiry but in fact he did not join any inquiry nor was ever found innocent and thus, he tried to mislead the Court. Prayer is made for rejecting the petition.

6. I have considered the submissions of both the sides and have appraised the record carefully.

7. Learned counsel for the petitioner could not convince this Court that in case there were only business relations between the petitioner & the complainant and in case petitioner had not obtained any money directly from the complainant, for which purpose petitioner had issued cheques worth ₹1,42,09,000/-, which on presentation were dishonored. Though petitioner

claims to have received various notices Annexures P.3 to P.7 from the Police but did not mention as to whether he responded to any of these notices. Though petitioner claims that he was found innocent in the inquiry conducted by the Gurgaon Police but no such report has been placed on record nor pointed out even during arguments. As per the specific stand taken by the respondent- State, despite various notices sent to petitioner and the co-accused, he did not join the investigation. So much so, the address provided by the petitioner was found to be false.

8. Having regard to all the afore-said facts and circumstances and the nature of allegations against the petitioner, but without commenting anything on the merits of the case, this Court does not find the present case to be fit for grant of anticipatory bail.

Dismissed.

November 29, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No