2024:PHHC:055317

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15917-2024 (O&M)
Date of Decision: 24.04.2024

Akash Goyal ………………*Petitioner*

Versus

State of Haryana …………....*Respondent*

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Shokeen Singh Verma, Advocate, for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

Mr. Prateek Rathee, Advocate, for the complainant.

FIR No.	Dated	Police Station	Section/s
265	24.07.2021	Faridabad Old, District Faridabad	406 & 420 IPC (120-B IPC added later on)

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in respect of aforementioned FIR.

2. The FIR in question was lodged at the instance of Raj Kumar, wherein it is stated that he works as a Sales Officer in a private company situated at SAPL Karol Bagh, Delhi. It is alleged that on 23.04.2019, one Surender Pal Chauhan introduced him with Aman Goyal, Akash Goyal (petitioner) and Renu Bala, who are CMD and MD of M/s AGG Jewellers, at their office situated in Wardhman Mall, Sector-19, Faridabad and that they allured the complainant to invest Rs.19,98,000/- in a scheme of their company and assured him that in return, he would get 10% bonus for 20 months and after

that he will also get jewellery worth Rs.19,98,000/-. On their assurance, the complainant in order to invest had transferred Rs.19,98,000/- in the account of company through RTGS as well as in cash. Thereafter, the accused persons permanently closed their office and started carrying out work from House No.1103, 11th Floor, Vijeyta Society, Sector-2, Ballabgarh. It is alleged that after several visits of complainant, the accused had issued 13 cheques of Rs.1,12,500/- (totaling Rs.14,62,500/-) and one cheque of Rs.1,50,000/- as bonus amount, out of which, only the cheque of Rs.1,50,000/- was encahsed and the remaining 13 cheques came to be dishonoured every month at the time of presentation in bank. The complainant further alleged that despite repeated visits and phone calls, the accused persons neither cleared his bounced cheques nor handed over jewellery and nor returned his remaining amount and thus, cheated the complainant of huge amount.

3. Learned counsel for the petitioner submits that the petitioner has no role to play in the affairs of the Company under the name & style of M/s AGG Jewellers and that it has falsely been alleged that he was Director of the Company. It has been submitted that since Aman Goyal, who is in fact the Director of M/s AGG Jewellers, had already been grated anticipatory bail by a Coordinate Bench of this Court vide order dated 03.01.2022 (Annexure P-4), which was confirmed vide order dated 28.01.2022 (Annexure P-5), the petitioner, who is in fact on a better footing, deserves a similar concession on grounds of parity particularly when he does not have any criminal record.

4. Opposing the petition, learned State counsel submits that the petitioner was hand in glove with co-accused and that since 2 transactions had been

effected from the account of M/s AGG Jewellers into the account of the petitioner's company, namely, M/s M.B. Billions for an amount of Rs.13,10,696/- and Rs.45,84,000/-, his complicity is clearly evident.

5. This Court has considered the aforesaid submissions.

6. At the time of issuance of notice of motion on 02.04.2024, the following order was passed:

> "Notice of motion for 23.4.2024.
>
> At this stage, Mr. Munish Sharma, DAG, Haryana, who is present in the Court accepts notice.
>
> The State to file a detailed status report including the following information clearly delineating specific role of the petitioner:-
>
> (i) It be specified as to whether the petitioner was a Director of the company in question. If so, when was he inducted as a Director and when did he resign.
>
> (ii) In case the petitioner had resigned as a Director as to whether the requisite information was uploaded on the official website of Ministry of Corporate Affairs and on which date it was uploaded.
>
> (iii) Specific information be furnished as to whether the petitioner had been authorized by the other Directors to conduct the affairs of the company on their behalf.
>
> (iv) It be also clarified as to how he received amount from investors in his personal account i.e. on what count.
>
> (v) It be also clarified as to for what purpose the cheques, in respect of which proceedings under Section 138 of Negotiable Instruments Act are pending, had been issued"

7. In compliance of aforesaid order dated 02.04.2024, the State has filed its reply furnishing the following information with respect to each of the query:

> "(i) No, the petitioner was not the Director in M/s AGG Jewellers, however, as per record of Registrar of Companies, Nehru Place, Delhi, the petitioner has been found authorized signatory of M/s AGG Jewellers and co-accused Aman Goyal is the founder Director

of the company while co-accused Renu Bala is Director of the company.

(ii) The name of petitioner has not been reflected as Dirctor on the website of Ministry of Corporate Affairs, however, said fact is to be enquired from the petitioner.

(iii) As per record of Registrar of Companies, Nehru Place, Delhi, the petitioner has been found authorized signatory of M/s AGG Jewellers.

(iv) Though the petitioner has not received amount directly in his personal account from the investors, but the huge amount was found transferred from the account of M/s AGG Jewellers bearing A/c No.201003185347 with IndusInd Bank to his other firm's account, namely, M.B. Billions i.e. an amount of Rs.13,10,696/- and amounting to Rs.45,84,000/- were also found transferred to the account of M/s AGG Jewellers bearing A/c No.201003185347. The being the authorized signatory of M/s AGG Jewellers and being the Director of M.B. Billions, 4th Floor, 1139, Kucha Mahajani, Balaji Plaza, Chandni Chowk, New Delhi, is beneficiary of the huge amount of the investors, details of which are required to be enquired from the petitioner by his custodial interrogation.

(v) As per information supplied by the complainant, total 13 cheques were issued to him in return of his amount by the accused, but the same were dishonoured, therefore, the complaints under Section 138 of the Negotiable Instruments Act, are pending in the Court of learned Judicial Magistrate Ist Class, Sonipat."

8. A perusal of the aforesaid extract from the reply filed on behalf of the State reveals that the petitioner is not the Director of M/s AGG Jewellers, but as per record of the Registrar of Companies, he was found to be the authorized signatory. The petitioner has annexed some of the cheques stated to have been issued by M/s AGG Jewellers, as are also referred to in the FIR. All

the said 6 cheques (Annexure P-2) are signed by Renu Bala and not by the petitioner.

9. Having regard to the fact that the petitioner is not stated to be the Director of M/s AGG Jewellers and has not even signed the cheques in question and while also noticing that the Director of the Company, namely, Arun Goyal had already been granted anticipatory bail by a Coordinate Bench, the petitioner also deserves a similar concession on grounds of parity. The petition, as such, is accepted and the petitioner, in the event of his arrest, is ordered to be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

24.04.2024 **(GURVINDER SINGH GILL)**
Vimal **JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**