



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

203

**CRM-M No.51541 of 2024
Date of decision : 28.5.2024**

Keshav Goyal**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Rohan Garg, Advocate, for the petitioner
Mr. B.S. Virk, Senior DAG, Haryana
Mr. Tarun Sharma, Advocate, for the complainant

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.62, dated 6.3.2021, under Sections 406 and 420 IPC, 1860, and Sections 10 and 24 of Emigration Act, 1983, registered at Police Station Pehowa, District Kurukshetra.

2. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. There is no evidence qua his involvement in the business of emigration as has been alleged in the FIR. Infact, it is out of mutual mala fide consent that the instant FIR got registered by the complainant and not by her own son Sandeep Kumar, who is a habitual offender involved in four other FIRs, details of which is herein below:

- a) FIR No.631 dated 19.12.2017 under Sections 148, 149, 323, 506 IPC, Police Station Sadar Pehowa;
- b) FIR No.349 dated 21.9.2021 under Section 174-A IPC,



Police Station Sadar Pehowa;

c) FIR No.634 of 2017 under Sections 148, 149, 323, 325, 427 IPC and Section 3 of SC/ST Act, Police Station Pehowa;

d) FIR No.510 dated 19.9.2019 under Sections 174-A IPC, Police Station Pehowa;

3. He would further submit that perusal of the FIR depicts that it is Sandeep Kumar who has been allegedly given ₹38 lakhs but he himself did not come forward to lodge the instant complaint and on his behalf the FIR was got registered by his mother, namely, Sneh Lata.

4. The transactions whatsoever had been referred to and given a colour of offence under the Emigration Act, actually belonged to some business transaction of property dealing between the petitioner and the complainant's son-Sandeep Kumar, wherein no connection or any incriminating material could be produced by the complainant showing her role as to how the petitioner has committed an offence under Sections 406 and 420 IPC read with Sections 10 and 24 of the Emigration Act, against her.

5. Notice of motion was issued wherein parties were ready for mediation and, accordingly, vide order dated 20.3.2024, this Court referred the matter to Mediation and Conciliation Centre of this Court with an interim order already in operation, which was to the effect that the petitioner shall not be arrested as was passed on 11.10.2023 by a Coordinate Bench of this Court. Since then the said interim arrangement is continuing till date.

6. In the light of Mediation Centre's report that it could not succeed and the petitioner is ready and willing to pay more amount and on

that account as a bona fide effort, has brought a demand draft of ₹1 lakh today in Court in the name of complainant bearing no. 020122 dated 23.5.2024, which has been handed over to learned counsel for the complainant, who is present in Court, and accepted the same on behalf of the complainant. Having accepted this amount today in Court, it is a total of ₹ 7.5 lakhs stands paid back by the petitioner to the complainant Sneha Lata.

7. In the light of above, this Court is of the considered view that custodial interrogation of the present petitioner is not required, particularly keeping in view the assertion made in the complaint as well as the credibility of the son of the complainant as well, which raises serious doubts in the case of the prosecution but without going into the merits any further, the petition deserves to be accepted.

8. Hence, the petitioner is directed to be released on anticipatory bail subject to joining the investigation within a period of 7 days from today, on his furnishing personal/security bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within 7 days, the order granting the anticipatory bail shall automatically stands cancelled.

9. The petition in the aforesaid terms is allowed.

(SANDEEP MOUDGIL)
JUDGE

28.5.2024
Ashwani

Ashwani Kumar
2024.05.30 10:47
I attest to the accuracy and
integrity of this document

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