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

**CRM-M-9993-2025 (O&M)
Date of decision : 27.05.2025**

Sanjay Goyal		..Petitioner
	Versus	
State of Haryana		...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Akshay Jindal, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

Mr. Nitin Jain, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the B.N.S.S.') has been filed for grant of pre-arrest bail to the petitioner in FIR No.0222 dated 30.03.2018, under Sections 420, 406, 120-B, 467, 468, 471 and 201 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Palwal Sadar, District Palwal.

(2) Allegations are that an amount of Rs.43,14,24,227/- has been embezzled and siphoned off to 68 different companies/firms by the main accused Ritesh Jaju; out of which 17 firms/companies were found fake at the address(es) mentioned in their bank KYC records; name of the petitioner was disclosed by co-accused.



(3) Learned counsel contends that petitioner was not named in the FIR; rather his name surfaced during investigation by co-accused. Again contends that similarly placed four co-accused have already been granted concession of pre-arrest bail by this Court. Further contends that petitioner was granted interim bail by this Court, vide order dated 05.03.2025 and in pursuance thereof, he has already joined investigation; hence, his custodial interrogation is not required.

(4) Learned State counsel, on instructions from the quarter concerned, acknowledged the above factual position, but opposed the prayer while submitting that an amount of Rs.2,80,30,491/- was transferred from the bank account of complainant company to six different fake companies and petitioner acted as contact person of those companies; thus, his custodial interrogation is required for recovery of money.

(5) Learned counsel for the complainant also submits that petitioner played active role in siphoning off funds from complainant company to the accused companies for his benefit.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) It transpires that petitioner was granted interim bail by this Court, vide order dated 05.03.2025 and the order reads as under:-

“Status report filed by way of affidavit dated 03.03.2025 of Narender Singh, HPS, Superintendent of Police, Sadar, Palwal, District Palwal, on behalf of



respondent/State, is taken on record. Copy thereof supplied to the opposite side.

Registry to do the needful.

Contents, inter alia, that four co-accused, namely, Jitender Rathor, Hari Shankar, Rajender Kumar Joshi and Nitesh Garg have been granted concession of pre-arrest bail by this Court vide orders dated 27.02.2024 passed in CRM-M-40163-2018, CRM-M-28103-2019, CRM-M-46920-2018 and CRM-M-41132-2018, respectively.

Posted for 27.05.2025.

In the meanwhile, petitioner shall join investigation before the Investigating Officer; but he be not arrested till the next date of hearing.”

(8) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation. Also transpires that four co-accused, namely, Jitender Rathor, Hari Shankar, Rajender Kumar Joshi and Nitesh Garg have already been granted concession of pre-arrest bail by this Court vide orders dated 27.02.2024 passed in CRM-M-40163-2018, CRM-M-28103-2019, CRM-M-46920-2018 and CRM-M-41132-2018, respectively.

(9) The objection raised by learned State Counsel as well as complainant to the effect that petitioner was the contact person of above six companies and recovery of money is yet to be effected, would not be a ground to deny him pre-arrest bail for the reason that State police is not supposed to act as a recovery agent for the complainant in such like matter(s).



(10) Moreover, it is nowhere discernible that petitioner was working as a Director; or office bearer of these 06 companies; thus, in such a scenario, the plea raised on behalf of State/complainant to the effect that petitioner was acting as a contact person would be of no substance; hence the same is rejected for deciding present bail matter.

(11) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner.

(12) Consequently, present petition is allowed; interim order dated 05.03.2025 is made absolute subject to the conditions as envisaged under Section 482(2) of the BNSS.

(13) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(14) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(15) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

27.05.2025

d.gulati/Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No