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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ BAIL APPLN. 1191/2025 and CRL.M.A. 19306/2025

DEEPAK GOYAL .....Petitioner

Through: Mr. Hirein Sharma and Mr. Saurabh Goel, Advocates.

versus

STATE (GNCTD) THROUGH SHO P.S.TIMARPUR.....Respondent

Through: Ms. Richa Dhawan, APP for the State with Inspector Pankaj Tomar, PS – Timarpur.

CORAM:
HON'BLE MR. JUSTICE ARUN MONGA

O R D E R

% **25.09.2025**

1. Having remained under incarceration since 17.05.2024 (more than 1 years and 04 months) in a criminal case arising out of FIR No. 155/2022 dated 26.03.2022 *inter alia* for the alleged offences punishable under Sections 420, 468, 471 and 120B of IPC, registered at Police Station Timarpur, the applicant seeks bail.

2. Briefly speaking, the allegations against the applicant per the Status Report dated 07.04.2025 are as under:-

2.1 That the complainant i.e. Sanjeev Kumar, Chief Manager, Allahabad Bank, alleged cheating in respect of a car loan taken by account holder Chanchal Goyal (co-accused/wife of the applicant).

2.2 During investigation, it was revealed that Deepak Goyal (Applicant herein) along with co-accused Chanchal Goyal (wife) and Vinay Aggarwal had forged documents of Hans Hyundai and availed a car loan of ₹18.25 lakh, which was transferred to Charu Motors, Mumbai, and thereafter diverted to T&T Motors and Pushpender Singh. The applicant and Vinay Aggarwal stood guarantors. It was further revealed that three fake car loans had been availed from Allahabad Bank on the basis of forged documents, in respect of which FIR Nos. 154/22 and 156/22 were already registered at PS Timarpur.

2.3 That the applicant was found already lodged in Tihar Jail in another case. On 14.05.2024, co-accused Chanchal Goyal was arrested, and thereafter on 17.05.2024, with permission of Court, the applicant was formally arrested. Both husband and wife were found to have prepared forged documents, availed car loans, and siphoned the loan amount through multiple fake accounts.

2.4 That the specimen signatures of both accused were obtained before Court and along with admitted signatures from the Bank, were sent to FSL Rohini. The FSL report confirmed that the specimen, admitted, and questioned signatures of the applicant and co-accused Chanchal Goyal matched.

2.5 Furthermore, the statements under Section 161 CrPC of bank officials revealed that both the applicant and co-accused Chanchal Goyal personally visited the Bank during loan processing, signed documents in presence of officials, and were identified. From money trail, it was found that

₹10,00,000/- out of the loan amount was transferred into the applicant's account.

2.6 That the verification of documents revealed that the voter ID card submitted by co-accused Chanchal Goyal actually belonged to one Pooja Gautam, while the PAN card submitted was also forged. Thus, forged and fabricated documents were used during processing of the loan.

2.7 That after completion of investigation, the charge sheet was filed within time. Supplementary charge sheet was filed after receipt of the FSL report confirming the forgery.

2.8 That the applicant is a habitual offender and involved in 17 other criminal cases of cheating, forgery, criminal breach of trust and conspiracy, including cases registered with CBI and at various police stations in Delhi, Rajasthan, and Haryana.

3. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

4. Learned counsel for the applicant would inter alia argue on the lines of grounds pleaded in the petition as below:-

4.1 That the allegations against the applicant are wholly unfounded and the applicant has been falsely implicated. The learned counsel submits that the applicant has been made a scapegoat despite having no role either in the application for the alleged loan, its disbursement, or the alleged siphoning. It is submitted that the Complainant Bank's own officials have falsely attested the applicant's signatures and, are themselves culpable and criminally liable, but have sought to shield their liability by falsely implicating the applicant.

4.2 That the applicant has been in judicial custody since 10.09.2020, which fact was within the knowledge of both the complainant and the police officials. However, he was formally arrested in the present case only on 17.05.2024, thereby attempting to show his custody in this FIR as shorter, whereas he has in fact been in continuous custody for the last five years without conclusion of the trial.

4.3 That the applicant was formally arrested on 17.05.2024 while already lodged in judicial custody (since 10.09.2020) in another case, however, no notice under Section 41A CrPC was ever served, nor were reasons for his arrest communicated to him. It is submitted that the arrest of the applicant was in contravention of the directions of the Hon'ble Supreme Court as well as the statutory requirement under Section 41A CrPC, since no prior notice under Section 41A was served and his alleged involvement could have been investigated without arrest.

4.4 That the principal/main accused in whose name the loan was taken, namely Smt. Chanchal Goyal (wife of the applicant), has already been granted bail by this Court *vide* order dated 16.07.2024 after depositing ₹9,12,500/-, i.e., half the principal loan amount in the form of Demand Draft. Thus, on the ground of parity, the applicant is also entitled to bail.

4.5 That the applicant's earlier bail applications were dismissed either on technical grounds or on considerations beyond his specific role. His first bail application before the learned Sessions Court was dismissed as withdrawn vide order dated 11.11.2024 with liberty to file afresh owing to his counsel's illness (Chikungunya), while the subsequent rejection on 10.12.2024 was premised on a direction to deposit ₹49 lakh across three FIRs (Nos.

154/2022, 155/2022 (Present case), 156/2022), despite the admitted fact that only ₹33 lakh stood credited into the applicant's account.

4.6 That the applicant is already on bail in all other cases except the present FIR and two connected FIRs filed by the same complainant Bank, apart from one more case where his bail application is pending before this Court.

4.7 That the present matter pertains only to documentary evidence, which cannot be tampered with by the applicant, especially since the applicant has been in continuous judicial custody. It is further submitted that the FIR in hand was registered in 2022, almost three years prior to his arrest on 17.05.2024, and at no point has the applicant been alleged to have attempted to tamper with evidence.

4.8 That the investigation *qua* the applicant is complete, charge sheet has been filed in July 2024 (09.07.2024) and supplementary charge sheet in February 2025 (17.02.2025), and no further recovery or custodial interrogation is required.

4.9 That the applicant has a permanent home, deep roots in society and has been regularly appearing before courts in other cases, and hence there is no substance in the apprehension that he would flee from justice. It is further submitted that the applicant undertakes to comply with any conditions that may be imposed by this Court, including appearance before the Trial Court and non-interference with witnesses or evidence.

4.10 That in these circumstances, no fruitful purpose would be served by keeping the applicant in judicial custody, and he deserves to be enlarged on bail pending trial.

5. Opposing the submissions, the learned APP submits that the applicant/accused is a habitual offender, involved in a series of organised financial frauds by preparing forged documents, availing multiple fake car loans, and siphoning bank funds through bogus accounts. The magnitude of fraud is further reflected in the fact that the applicant is involved in 17 other criminal cases of cheating, forgery, criminal breach of trust and conspiracy**,** registered at different police stations and also with the CBI. It is further submitted that the earlier bail applications of the applicant has been dismissed by the Ld. MM, Tis Hazari Courts *vide* order dated 29.07.2024 and Ld. ASJ Tis Hazari courts *vide* order dated 10.12.2024. Considering the gravity of allegations, his antecedents and propensity to commit similar offences, there exists a strong apprehension that, if released on bail, the applicant may abscond, tamper with evidence, threaten witnesses, or indulge in similar fraudulent activities. Hence, bail is strongly opposed.

6. The arguments have though been noted, but I am of the view that the same are all matter of merits and can only be thrashed out at the appropriate stage by the learned Trial Court. There appears to be no ground to deny bail at this stage to the applicant given the duration of incarceration already undergone by him and for the other reasons stated hereinafter.

7. In fact, the matter was earlier heard by me on 23.07.2025 and following order was passed:-

> *"1. My attention has been drawn to an order dated 10.12.2024 passed in bail proceedings before the learned Sessions Court, wherein it is recorded that the bank has no objection if the applicant/accused is released on bail, provided he deposits a sum of Rs.49 Lacs.*
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> *2. Learned counsel for the applicant submits that the applicant is willing to deposit the said amount within a period of one month, and he may then be accorded the concession of bail.*

3. The aforesaid submission is being opposed by learned counsel for the respondent-Bank. He seeks short accommodation to get instructions and apprise if the Bank is still willing to accept the said offer which was earlier, though extended, but it was not complied by the applicant.

4. Learned counsel for the applicant to supply a copy of the paper book to the learned counsel for the Bank, who states that since bank is not a party, he has not been supplied the same.

5. List on 18.08.2025."

8. Apropos, on resumed hearing today, at the very outset, learned counsel for the applicant would clarify that the amount of Rs. 49 lacs pertains to the principal amount of car loan taken by the applicant for three vehicles. He states that as far as the instant FIR is concerned, an amount of Rs. 18 lacs was taken as loan. Rs. 9 lacs has since already been deposited, the applicant unconditionally shall deposit the balance of the principal of Rs. 9 lacs before the learned Trial Court within 45 days.

9. It transpires that the role attributed to the co-accused Chanchal Goyal stands on higher footing and since, he has been granted bail vide order dated 16.07.2024, I see no reason why on the ground of parity as well applicant be not granted the same concession of bail, apart from other reasons as already noted hereinabove.

10. That the applicant was arrested in the FIR in question on 17.05.2024 and has already remained in custody for more than 1 year and 04 months. Investigation is over qua him as the charge sheet has been filed on 09.07.2024 and supplementary chargesheet has been filed on 17.02.2025. This prolonged pre-trial detention, coupled with the slow progress of proceedings at snail's pace, are contributory factors for bail, and further continued incarceration would cause undue hardship to the applicant's

family and serve no useful purpose, especially when the trial is not likely to conclude in the near future, as it violates the fundamental rule, i.e. bail is the rule and jail an exception.

11. As regards the apprehension of tampering with evidence or influencing witnesses is unfounded and seems illusory. The applicant has cooperated throughout the investigation, and there is nothing on record to suggest that he would interfere with evidence or influence witnesses.

12. There is also no likelihood of the applicant absconding, given that he is a well-settled individual, and has deep roots in society, and hence not a flight risk.

13. Considering that the primary purpose of bail is to secure the presence of the accused during trial, coupled with the fact that the applicant has clean antecedents and poses no risk of absconding, his continued detention at this stage would serve no purpose other than to punish him prior to conviction.

14. As an upshot and taking a wholesome view of the matter, I am of the view that it is a case of bail at this stage.

15. Thus, the applicant is enlarged on bail in the FIR in hand and the proceedings arising therefrom, on his furnishing personal bond with solvent surety of like amount to the satisfaction of the Trial Court/Duty Judge concerned as the case may be, subject to the other usual conditions to be imposed by the learned Trial Court/Duty Court.

16. Apart from the usual conditions, the Trial Court shall take a specific undertaking that the amount of Rs. 9 lacs shall be deposited within 7 weeks

of the grant of the bail failing which the prosecution shall be at liberty to seek cancellation of bail.

17. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case, and the trial shall proceed without being influenced either way by the same.

18. Accordingly, the bail application, along with pending application stands disposed of.

ARUN MONGA, J

SEPTEMBER 25, 2025/kd