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

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**CRM-M No.36122 of 2025  
Date of Decision: 15.10.2025**

Sh. Sudhir Kumar Goyal

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Naresh Jain, Advocate,  
for the petitioner (Through Video Conferencing).

Mr. Neeraj Poswal, AAG, Haryana,  
for the respondent-State.

Ms. Rajvinder Kaur Sohal, Advocate,  
for the complainant.

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**MANISHA BATRA, J. (Oral)**

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

<b>FIR No.</b>	<b>Dated</b>	<b>Police Station</b>	<b>Sections</b>
0170	08.05.2023	Jind Sadar, District Jind	406 and 420 of IPC (467, 468 and 471 of IPC were deleted during investigation)

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by complainant Vikas Jain alleging that he was running a firm under the name of MM Impex which was involved in

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the business of trading of iron material. In the months of April/May 2021, he had started supplying iron material to the petitioner who is owner of SMDP Infra Solutions and also to Bhushan Kumar and Pooja Wadhwa who are running S.S. Enterprises. He had supplied material worth Rs.91,61,581/- to the petitioner. An amount of Rs.38 lakhs was transferred in his account by the petitioner and an amount of Rs.53,61,581/- was duped. The petitioner had asked him to adjust an amount of Rs.22,00,100/- which were transferred by Imtiaz Khan owner of Super Sales in the account of his another firm namely, Royal Steel Traders in August 2021. Simultaneously material worth Rs.1,05,41,813/- had been sent to the firm of above named Bhushan Kumar and Pooja Wadhwa and they had transferred an amount of Rs.55,14,910/- and an amount of Rs.50,29,903/- was due against them. Neither the petitioner nor the above named Bhushan Kumar and Pooja Wadhwa gave this amount to the complainant and on repeated requests, they gave some post dated cheques which were dishonoured when the same were presented for realization. The complainant asked the petitioner and the above named Pooja Wadhwa and Bhushan Kumar to pay the amount in lieu of the material supplied to them and then they extended threats to kill him and also told him that they were members of a gang headed by Imtiaz owner of Super Sales and would get him killed. The complainant alleged that he had procured GSTR-1 and GSTR-3 pertaining to the firms of the petitioner and the above named two persons and came to know that the entire material supplied to them had been ultimately sent to the above named Imtiaz Khan. By alleging that by forming a gang, the above named persons along with the petitioner

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cheated him and defrauded him, he payed for taking action. Initially, a case under Sections 406, 420, 467, 468 and 471 of IPC was registered. Investigation proceedings were initiated. Offence under Sections 467, 468 and 471 of IPC were deleted during the course of investigation. The petitioner was arrested on 22.09.2024. Investigation now stands completed and challan has been presented.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, one Mukesh Sharma agent of the complainant had approached him in April 2021 with offer to enter into business transaction. The petitioner had procured goods approximately worth Rs.91,61,581/- from M/s Royal Steel Traders which was represented to be proprietary concern of the complainant. The petitioner had issued a cheque worth Rs.38 lakhs as security for procurement of goods and three additional cheques worth Rs.40 lakhs had also been issued. He had to receive a sum of Rs.22 lakhs from Imtiaz Khan owner of M/s Super Sales and the said amount was directly paid to the complainant as per the instructions of the petitioner by the said Imtiaz Khan. The quality of the goods supplied by the complainant was found to be not upto the agreed standards and a dispute had arisen between the complainant and himself. The complainant instead of resolving the dispute had extended threats to the petitioner to involve him in multiple FIRs and had lodged this case against him. The petitioner had issued demand draft of a sum of Rs.4,50,000/- in favour of the complainant and the complainant acknowledged receipt of total amount of Rs.64,50,000/- He had also given cheques. The petitioner is in

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custody since 22.09.2024. The dispute between the parties is of civil nature which has been given a criminal colour. The goods purchased by the petitioner were procured from the complainant's company M/s Royal Steel Traders registered at South West Dwarka and were dispatched to him from Ghaziabad and sent delivered in Jaipur. M/s MM Impex which is another firm of the complainant had no involvement in the entire transaction. The police station Jind had no jurisdiction in the matter. It is a case of breach of contract at the most. The petitioner had made advanced payment for the goods supplied to him. The ingredients for commission of offence punishable under Section 420 of IPC have not been attracted at all. The offence under Section 406 of IPC is antithesis to the offence under Section 420 of IPC. The co-accused have been extended benefit of bail. The subject offences are triable by Magistrate. His further incarceration would not serve any useful purpose. The trial will take considerable time. It is, therefore, urged that he deserves to be released on bail.

4. Status report has been filed. Learned Assistant Advocate General, Haryana assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner who in connivance with the co-accused had induced the complainant to supply iron goods worth Rs.91,61,581/- and did not make payment of an amount of Rs.53,61,581/- to cause wrongful loss to the complainant. He is a habitual offender. There are chances of his absconding or committing similar offences if extended benefit of bail. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

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6. The petitioner is alleged to have induced the complainant to supply iron goods worth Rs.91,61,581/- to the petitioner and out of the same an amount of Rs.38 lakhs was transferred in the account of the firm of the complainant and according to the complainant, an amount of Rs.53,61,581/- was payable by him which the petitioner did not pay. The subject offences are triable by Magistrate. The case is based on documentary evidence. The petitioner is in custody since 22.09.2024. His involvement in other cases cannot be considered to be a ground for not extending benefit of bail to him. The trial is obviously likely to take time as no prosecution witness has been examined so far. Keeping in view the above discussed facts, this Court is of the opinion that a case for release of the petitioner on bail is made out. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

**(MANISHA BATRA)**  
**JUDGE**

**15.10.2025**  
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Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No