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

\+ BAIL APPLN. 1524/2011

G S BATRA ..... Petitioner

Through: Mr.Amit Sibal, Advocate with Mr. Harsh K., Mr. Salman Hashmi, Advocate.

versus

STATE GOVT. OF NCT OF DELHI ..... Respondent

Through: Ms. Fizani Husain, APP with SI Manish & Inspector Narender Tyagi, SHO, P.S. Prasad Nagar.
Mr. V.K.Dhar, Advocate for J & K Bank.
Mr.G.L.Soni, Advocate for all the complainants.

With

BAIL APPLN. 1525/2011

G S BATRA ..... Petitioner

Through: Mr.Amit Sibal, Advocate with Mr. Harsh K., Mr. Salman Hashmi, Advocate.

versus

STATE GOVT. OF NCT OF DELHI ..... Respondent

Through: Ms. Fizani Husain, APP with SI Manish & Inspector Narender Tyagi, SHO, P.S. Prasad Nagar.
Mr. V.K.Dhar, Advocate for J & K Bank.
Mr.G.L.Soni, Advocate for all the complainants.

With

BAIL APPLN. 1526/2011

Signature Not Verified
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Certify that the digital file and physical file have been compared and the digital data is as per the physical file and no page is missing.

G S BATRA ..... Petitioner

Through: Mr.Amit Sibal, Advocate with Mr. Harsh K., Mr. Salman Hashmi, Advocate.

versus

STATE GOVT. OF NCT OF DELHI ..... Respondent

Through: Ms. Fizani Husain, APP with SI Manish & Inspector Narender Tyagi, SHO, P.S. Prasad Nagar.
Mr. V.K.Dhar, Advocate for J & K Bank.
Mr.G.L.Soni, Advocate for all the complainants.

With

BAIL APPLN. 1527/2011

G S BATRA ..... Petitioner

Through: Mr.Amit Sibal, Advocate with Mr. Harsh K., Mr. Salman Hashmi, Advocate.

versus

STATE GOVT. OF NCT OF DELHI ..... Respondent

Through: Ms. Fizani Husain, APP with SI Manish & Inspector Narender Tyagi, SHO, P.S. Prasad Nagar.
Mr. V.K.Dhar, Advocate for J & K Bank.
Mr.G.L.Soni, Advocate for all the complainants.

With

BAIL APPLN. 1528/2011

G S BATRA ..... Petitioner

Through: Mr.Amit Sibal, Advocate with Mr. Harsh K., Mr. Salman Hashmi, Advocate.

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versus

STATE GOVT. OF NCT OF DELHI ..... Respondent

Through: Ms. Fizani Husain, APP with SI Manish & Inspector Narender Tyagi, SHO, P.S. Prasad Nagar.
Mr. V.K.Dhar, Advocate for J & K Bank.
Mr.G.L.Soni, Advocate for all the complainants.

And

BAIL APPLN. 1529/2011

G S BATRA ..... Petitioner

Through: Mr.Amit Sibal, Advocate with Mr. Harsh K., Mr. Salman Hashmi, Advocate.

Versus

STATE GOVT. OF NCT OF DELHI ..... Respondent

Through: Ms. Fizani Husain, APP with SI Manish & Inspector Narender Tyagi, SHO, P.S. Prasad Nagar.
Mr. V.K.Dhar, Advocate for J & K Bank.
Mr.G.L.Soni, Advocate for all the complainants.

CORAM:
HON'BLE MR. JUSTICE M.L. MEHTA

ORDER

% **28.11.2011**

All the aforesaid six petitions under Section 438 CrPC for grant of anticipatory bail have been filed by the petitioner in the cases registered at P.S. Prasad Nagar.

The allegations against the petitioner are that he had mortgaged the property No. T-5288, Hardyan Singh Road, Krishna Nagar, Karol Bagh, Delhi with J & K Bank, East Patel Nagar, Rajindra Place, New Delhi while taking loan in the name of M/s, Godsons Brothers of which the petitioner is the proprietor.

The complainants are the purchasers of different flats in the said property from the petitioner, which was sold to them despite the fact that the property was already mortgaged with the aforesaid bank.

Now, the petitioner has settled the matter with the aforesaid bank by making the entire payment. The same is confirmed vide letter dated 21.11.2011 of the bank addressed to the petitioner, copy of which is on record and also by Sh.V.K.Dhar, Advocate appearing for the J & K Bank. The counsel appearing for the bank also states that in view of the entire outstanding amount paid by the petitioner towards the loan amount, the aforesaid property which was mortgaged stands relieved from all encumbrances and therefore, all the proceeding under SARFAESI Act in respect of the said property have come to an end.

That being so, different portions of the said property owned by the complainants stand relieved of mortgage and all the encumbrances.

It is informed by the learned counsel for the complainants and also learned APP that there is another case in which the petitioner has, in the same manner sold the property after taking loan against the mortgage. That matter is not in issue before this court at present. It is also informed that the other co-accused in the present case have also filed anticipatory bail applications before the court of ASJ.

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I have heard learned counsel for the parties and perused the record. Without commenting on the allegations of the complainants and APP regarding the petitioner having committed other offence and as regards the merits of the applications for anticipatory bail of the co-accused, I am of the view that in the present changed facts and circumstances, the petitioner in the present case is entitled to anticipatory bail. Accordingly, in the event of arrest, the petitioner be released on bail on his furnishing personal bond in the sum of Rs. 50,000/- in each case with one surety in the like amount in each case to the satisfaction of the Arresting Officer/Investigating Officer/SHO concerned.

It is clarified that nothing contained in this order shall be considered as expression of opinion on the merits of the case and the Trial Court dealing with the anticipatory bail applications of the co-accused will not be influenced by this order. Since the complainants have been forced to come to the court, the anticipatory bail granted to the petitioner is subject to payment of Rs. 20,000/- to each complainant as compensation to them and also subject to the condition that the petitioner shall join the investigation as and when called by the I.O.

Petitions stand disposed of.

Order dasti.

M.L. MEHTA,J

NOVEMBER 28, 2011
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