

\$~25 & 26

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

Date of Decision: 15th July, 2015

(i) + **CRL.M.C. 2081/2014**

ASHOK PANDIT Petitioner
Through: Mr. Amit Sharma, Advocate

versus

THE STATE & ORS Respondents
Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State with SI Mahender Pratap
Mr. Vinod Kumar, Advocate for
respondent No.3

(ii) + **CRL.M.C. 2083/2014**

ASHOK PANDIT Petitioner
Through: Mr. Amit Sharma, Advocate

versus

THE STATE & ORS Respondents
Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State with SI Mahender Pratap

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

In the above-captioned two petitions, cancellation of pre-arrest bail granted to respondents-accused persons in FIR No.430/2014 under

Sections 420/34 of IPC registered at P.S. Narela, Delhi is sought on the ground that for effecting recovery, custodial interrogation of respondents-accused persons is required.

Since the above captioned two petitions arise out of one FIR and the grounds on which the cancellation of pre-arrest bail is sought are identical, therefore, these two petitions were heard together and by this common judgment, they are being disposed of.

At the hearing, learned counsel for petitioner submitted that respondents-accused persons are not joining the investigation and a clear cut case of cheating is made out against them, which disentitle them to the concession of pre-arrest bail, as custodial interrogation of respondents-accused persons is required for the purpose of effective investigation. Learned counsel for petitioner further submitted that the manner in which the offence in question has been committed by respondents-accused persons, does not entitle them to concession of pre-arrest bail and so, pre-arrest bail granted to respondents-accused persons deserves to be cancelled.

Learned counsel for respondent No.3 had supported the impugned order and submitted that there is no illegality in it and that respondents-accused persons have already joined the investigation of this case.

Mr. Vinod Diwakar, learned Additional Public Prosecutor for respondent-State, had submitted that respondent-accused *Gaurav Kumar* is no longer in this world and that other respondents-accused persons have already joined the investigation of this case.

Upon hearing and on perusal of the bail order, the status report and the material on record, I find that considering the delay aspect and the

nature of transaction between the parties, pre-arrest bail has been rightly granted to respondents-accused persons. In the considered opinion of this Court, there is no improper exercise of discretion by the trial court in granting the pre-arrest bail to respondents-accused persons.

Considering that respondents-accused persons have now joined the investigation and even on merits, no case for cancellation of pre-arrest bail granted to respondents-accused persons is made out. Resultantly, both these petitions are dismissed while not commenting upon merits of this case.

(SUNIL GAUR)
JUDGE

JULY 15, 2015

s