

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

+ **BAIL APPLN. No.532/2015**

POOJA DUTT GUPTA Petitioner
Through Mr.Akil, Adv. with Mr.Vishal Garg,
Adv.

versus

STATE (NCT OF DELHI) Respondent
Through Mr.Vinod Diwakar, APP for the State
with Inspt.Sandeep Gupta, PS Uttam
Nagar.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

JUDGMENT

P.S.TEJI, J. (Oral)

1. The present bail application filed under Section 438 of the Code of Criminal Procedure, 1973, is preferred by the petitioner for seeking anticipatory bail in the case registered vide FIR No.502/2015 under Sections 420/467/468/471/403/506/406 of Indian Penal Code registered at Police Station Uttam Nagar.

2. Mr.Akil, learned counsel for the petitioner submits that the present case totally relates to sale and purchase of various properties

and the dispute is regarding the payment received by other accused person. It is submitted that the complainant Mr.Raj Kumar purchased a property in Panchkula against foreign exchange and sold the same to Smt. Manju Sethi on 5th October, 1982. On 20th August, 1992, the complainant purchased agricultural land for Rs.97,000/- being one bigha out of Khasara No.5/20, situated in the village Haibatpur, Najafgarh, Delhi. The petitioner is the daughter of Mr.Sudesh Kumar who happens to be the General Power of Attorney holder of the said agricultural land belonging to the complainant Mr.Raj Kumar.

3. It is stated in the FIR that as per the complainant Mr.Raj Kumar, Mr.Sudesh Kumar assured him that he being his younger brother, would look after the land and a power of attorney was executed by the complainant in favour of Mr.Sudesh Kumar. However, it was alleged that the said property was clandestinely sold by Mr.Sudesh Kumar who was misusing the said power of attorney without the knowledge of the complainant. It is further stated in the FIR that the complainant Mr.Raj Kumar was threatened of dire consequences by the accused Mr.Sudesh Kumar and his son in case he claims any of his properties or claims any sale proceeds of properties

belonging to the complainant.

4. The State has filed a status report and it transpires from the same that the petitioner along with her father Mr.Sudesh Kumar have kept the entire sale proceeds received from the sale of properties situated at Panchkula, Haryana; Habitpura and Tokala (Rajasthan), by assuring the complainant for adjustment of amount in the property situated in Delhi Welcome Group Housing Society which is under liquidation and have no land anywhere. It is further stated in the status report that the complainant Mr.Raj Kumar was again assured by Mr.Sudesh Kumar that the sale proceeds of Panchkula property would be partially adjusted with Delhi Welcome Group Housing Society and petitioner Ms.Pooja Dutt had issued him a share certificate in his name but she was not an office bearer of Society and the actual office bearer had made a complaint against the accused Sudesh Kumar as he showed himself as president of the Society. Thus, bail is strongly opposed by learned APP for the State on the ground that by not returning money, the petitioner and her father have committed a serious offence.

5. The anticipatory bail of the applicant was dismissed on 17th

January, 2015 by the learned Additional Sessions Judge on the ground that the sale consideration was managed by the father of the petitioner who was inducted as a member of a Group Housing Society and was issued a share certificate but some of the documents shown were fictitious. The petitioner was shown as actively participating in the affairs of the said Society. Aggrieved by the order of the learned Additional Sessions Judge, the present bail application has been filed by the petitioner on 28th February, 2015.

6. I have heard learned counsel for the parties at length. It transpires from the record that notice was issued to the State on 20th March, 2015 when the petitioner was directed to appear before the Investigating Officer on 27th March, 2015 and thereafter as and when called. Vide order dated 20th August, 2015, the petitioner was granted protection from arrest and she was directed to join investigation.

7. It has been submitted by learned APP for the State on instruction of the Investigating Officer who is present in Court that the petitioner has joined the investigation and she is no more required for further investigation or custodial interrogation. The factual position from the report of the Investigation Officer culminates into

the entitlement of grant of anticipatory bail to the petitioner.

8. In view of the fact that the petitioner has joined the investigation and there is no need for custodial interrogation of the petitioner, I am inclined to grant anticipatory bail to the petitioner.

9. In the facts and circumstances, it is directed that in the event of arrest, the petitioner Ms.Pooja Dutt Gupta shall be admitted to anticipatory bail subject to her furnishing personal bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the arresting Officer. The petitioner is directed not to influence the prosecution witnesses or tamper with the evidence and shall not leave the country without prior permission of the Court concerned.

With aforesaid directions, the present application is disposed of.

(P.S.TEJI)
JUDGE

DECEMBER 01, 2015
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