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

Date of Decision: April 07, 2015

+ CRL.M.C. 1246/2015

M/S GANESH INDUSTRIES Petitioner
Through: Mr. C.S. S. Tomar, Advocate

versus

STATE OF NCT OF DELHI & ANR Respondents
Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent-
State with SI Sudhir Kumar

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Crl.M.A.4580/2015 (Exemption)

Allowed subject to all just exceptions.

CRL.M.C. 1246/2015

Impugned order of 5th August, 2014 grants regular bail to respondent-accused in FIR No.183/2010 under Sections 420/467/468/471/120-B of IPC registered at P.S. Economic Offences Wing (North), Delhi while noting that the property in question already stands mutated in the name of respondent-accused and that it appears to be a case of co-accused-Rohtas (who is absconding) having duped respondent-accused.

At the hearing, learned counsel for petitioner had submitted that

respondent-accused was the main accused in forging of documents and the said *Rohtas* is a fictitious person and the criminal conspiracy has been hatched and therefore, grant of bail to respondent-accused is totally unjustified.

Learned Additional Public Prosecutor for respondent-State submits that the impugned order suffers from no illegality but the original documents vide which the property had changed hands from co-accused-*Jagdish Gupta* are not forthcoming.

Upon hearing and on perusal of the impugned order and the material on record, I find that the factum of respondent-accused joining investigation is not disputed and it is not the case of respondent-accused that the original documents of property in question executed by co-accused-*Jagdish Gupta* in favour of co-accused-*Rohtas* are in possession of respondent-accused.

So far as the observations made in the impugned order of respondent-accused being duped by co-accused-*Rohtas* is concerned, the same is uncalled for. In any case, any observation made in the impugned order will not be taken as a reflection on the merits of this case at trial.

Finding no palpable error in the impugned order, this petition is dismissed.

(SUNIL GAUR)
JUDGE

APRIL 07, 2015

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