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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 395/2016

YASHPAL SINGH PANGHAL

..... Petitioner

Represented by: Mr.Kirti Uppal, Sr Adv with
Mr.Vaibhav Sharma,
Ms.Sahiba Pantel, Mr.Varun
Kaushik & Mr.Utkarsh, Advs.

versus

STATE

..... Respondent

Represented by: Mr.Ashish Dutta, APP for the
State with SI Parvesh Kasana,
PS GK-I, New Delhi.
Mr.Vijender Sharma &
Mr.Kartar Sharma, Advs for
complainant with complainant
in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

ORDER

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24.02.2016

Crl.M.A. No.3239/2016 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

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1. Vide instant petition under Section 438 of the Cr P C, petitioner seeks anticipatory bail in case FIR No.86/2014 registered at police station Greater Kailash-I, New Delhi for the offences punishable under Sections 419/420/471/467/120B of the IPC.

2. For the same relief, the petitioner approached the Sessions Court, South-East District, Saket Courts, New Delhi with bail

application which was dismissed vide order dated 29.01.2016 by recording that petitioner was not clearing the amount and a considerable amount was pending to be paid. Moreover, petitioner also failed to appear before the Court despite calls.

3. Mr.Kirti Uppal, learned senior counsel appearing on behalf of petitioner submits that due to unavoidable circumstances, the petitioner could not pay the amount and comply the assurance given before the Court. However, petitioner is ready to pay an amount of Rs.21.00 Lac by way of Post Dated Cheques to the complainant without prejudice to his rights and contentions.

4. Accordingly, the petitioner has handed over three PDCs bearing Nos.634127 to 634129 dated 24.03.2016, 24.04.2016 and 24.05.2016 respectively drawn on State Bank of India, Tis Hazari Courts, Delhi in the sum of Rs. 7.00 Lac each in favour of complainant.

5. Mr.Vijender Sharma, learned counsel for complainant is present today in the Court, who under instructions of complainant received the three PDCs and submits that he has no objection, if the present petition is allowed, provided the PDCs issued by petitioner will be honoured on their presentation.

6. It is not in dispute that cheques issued by petitioner and received by complainant today in the Court will satisfy the terms and conditions of the MOU dated 21.06.2014.

7. In view of above facts, in the event of arrest of petitioner in above noted case FIR, he shall be released on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/SHO concerned. It is also directed that in case of any change of address of applicant or surety, the same shall be communicated to the learned Trial Court as well as IO/SHO concerned.

8. It is also made clear that if any of the PDCs is bounced or returned unpaid on any reason, the above bail order will automatically stands cancelled and police would be entitled to arrest the petitioner.

9. In above terms, instant petition is allowed and disposed of.

10. Order *dasti*.

SURESH KAIT, J

FEBRUARY 24, 2016

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