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

+ **BAIL APPLN. 772/2016**

SURESH CHAND VIJ @ WHIG

..... Petitioner

Represented by: Mr. Sanjay Rathi, Adv.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Represented by: Mr. Kewal Singh Ahuja, APP
with SI Sunil Daggar, DIU/SD.
Mr. C.P. Sharma, Adv. for
complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

07.09.2016

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By the present petition the petitioner seeks anticipatory bail in case FIR No.462/2014 under Section 420/34/467/468/471/120B IPC registered at PS Vasant Vihar and investigated by DIU South District.

Learned counsel for the petitioner contends that the land purchased was freehold and through the power of attorney holder of the complainant. Though the petitioner claim adverse possession to the said land, however he surrendered that claim and assigned all the rights to the complainant. As on today the land exists in the name of the complainant and is in his possession. Fencing of the said land has also been done. Having purchased the land in

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the year 1989 through power of attorney, the complainant cannot now claim that there is no entry and exit to the land and thus he was falsely induced to purchase the said land.

Learned APP for the State has taken me through the FIR and the status report.

The allegations of the complainant in the above-noted FIR are that he was a Non-Resident Indian and on one of his visits to Delhi from Germany in the year 1989 he met the petitioner who stated that he was a property broker and helped number of NRIs to invest in land and properties in India. Thus the complainant was induced to invest money in the land. The petitioner also assured that besides the purchase of the land he would also administer and look after the properties in the absence of their clients. The complainant was shown various properties where after a total sum of ₹5 lakhs was taken in two instalments from the complainant wherein ₹3 lakhs were taken for purchasing the land and ₹2 lakhs for fencing the said land for construction of room and bore-well. It is alleged that the property so purchased had no ingress and outgress and further the petitioner got transferred Girdawari rights in the name of the complainant only in 2013 and thus the complainant was cheated.

As per the status report during investigation it has been revealed that the sale deeds purchased of the land measuring 1.50 acres and lease deed measuring 1.25 acres were taken in the name of the complainant and registered in the name of the complainant. The land admeasuring 1.50 acres was fenced and was in possession of the complainant physically, however there was no way for entry and exit.

Considering the fact that the transaction took place in the year 1989 and the FIR was registered in the year 2014 after a considerable lapse of time from purchasing the property through the power of attorney despite the claim of the complainant that he has been regularly visiting India and the petitioner having joined the investigation, I deem it fit to grant anticipatory bail to the petitioner. It is therefore directed that in the event of arrest the petitioner be released on bail on his furnishing a personal bond in the sum of ₹50,000/- with two sureties of the like amount subject to the satisfaction of the Arresting Officer/ SHO concerned, further subject to the condition that he will join the investigation as and when directed and will not leave the country without the prior permission of the Court concerned.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

SEPTEMBER 07, 2016
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