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

\+ BAIL APPLN. 1014/2016

SUNNY DHINGRA ..... Petitioner

Through: Mr. Vijay Kumar Aggarwal, Adv.

versus

STATE ..... Respondent

Through: Mr. Amit Ahlawat, APP for State with SI Rajesh, DIU/SD.
Mr. Hamid Ali, Adv. for Complainant.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

<u>O R D E R</u>

% **19.08.2016**

Learned counsel for the petitioner submits that investigations are over and charge-sheet has been filed. Trial is underway. Petitioner is in custody for the last seven and a half months. Trial may take time. Learned counsel further submits that though complainant alleged that petitioner had taken loan from them but no document has been produced in this regard. It is prayed that petitioner may be admitted to bail. Reliance has been placed on H.B. Chaturvedi vs. CBI 2010 (3) JCC 2109 and Ashok Dhingra vs. NCT of Delhi 2001 (1) JCC (SC) 178. In Ashok Dhingra (Supra), allegations against the petitioner were that he had cheated the complainant to the tune of ₹65 lacs. Keeping in view that petitioner was in custody for five months, he was admitted to bail. In H.B. Chaturvedi (Supra), cheating was to the tune of ₹10 cores. Accused was admitted to bail after 65 days of his custody keeping in view that trial will take time.

Learned APP for the State, who is assisted by counsel for the complainant, submits that allegations against the petitioner are serious in nature. He took loan of ₹1 crore from various persons by falsely representing that he would repay the loan with high interest rate. FIR has been registered on the complaint of Anil Kumar, who has alleged in the FIR that petitioner was relative of his wife and friend of his late son. Petitioner took loan from the complainant and his wife from time to time during the last 10 years. Petitioner used to pay interest @ 1.5 % per month. Complainant and his wife would take loan from their relatives @ 1 % per month and give it to the petitioner who, in turn, used to pay interest @ 1.5 % per month, thus, complainant and his wife used to earn interest @ 0.5 % on such transactions. It is alleged that petitioner took loan of ₹7.50 lacs on 8th December, 2013 from the complainant's wife and issued a cheque for ₹7.50 lacs dated 23rd April, 2014. Petitioner again took loan of ₹2 lacs on 10th May, 2014 and issued a cheque for ₹2 lacs dated 10th June, 2014. Both these cheques were returned dishonoured with the remarks 'account closed'.

Learned APP further submits that during the investigation of the FIR, 24 more persons surfaced who complained that petitioner had taken loan from them also but did not return the same.

Keeping in mind that investigations are over, charge-sheet has been filed and trial is under way, inasmuch as, petitioner is in custody for seven and a half months, he is admitted to bail subject to his furnishing a personal bond in the sum of ₹50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the trial court. However, petitioner shall not delay the trial in any manner.

Application is disposed of in the above terms.

A.K. PATHAK, J.

AUGUST 19, 2016
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