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

+ **BAIL APPLN. 1046/2016**

NEERAJ AGGARWAL

..... Petitioner

Represented by: Mr.Pramod Kumar Dubey,
Mr.Hemant Shah and
Ms.Megha, Advocates

versus

STATE

..... Respondent

Represented by: Mr.Ravi Nayatk, APP for State
with SI Sudhir Kumar,
EOW/Delhi

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

04.11.2016

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1. By the present petition, the petitioner seeks bail in case FIR No.175/2009 under Sections 420/406/467/468/120-B IPC registered at PS Economic Offences Wing, Delhi.

2. The above noted FIR was registered on a complaint of Ravinder Singh who stated that he had entered into an Agreement to Sell dated 11th October, 2005 with M/s Mahamaya Builders Private Limited through its Director Mr.Ramesh Chander Aggarwal for purchase of a property admeasuring 100 bigha @ ₹6000/- per square yard at Mehraulli. A sum of ₹1,00,21,000/- was paid as earnest money.

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3. A further sum was paid towards part consideration. Later, it was revealed to the complainant that Ramesh Chander Aggarwal and other owners of the property were trying to sell the same to a third party. Hence the above noted FIR was registered.

4. During investigation it was revealed that ₹2,65,21,000/- had been paid by the complaint to the company M/s Mahamaya Builders Private Limited either through cheques, demand draft or cash towards sale consideration. Further the representative land owners denied having signed the authority letter in favour of Ramesh Chander Aggarwal and it was thus revealed that Ramesh Chander Aggarwal played fraud with the complainant and the land owners. The petitioner, Neeraj Aggarwal, is the son of Ramesh Chander Aggarwal. The allegations against the petitioner Neeraj Aggarwal are that he was the Director of M/s Mahamaya Builders Private Limited and signed the Agreement to Sell as a witness besides receiving part sale consideration of ₹30,00,000/- which was deposited in his account and Since the petitioner was not available during investigation, he was declared Proclaimed Offender and was finally arrested on 29th April, 2014.

5. The primary ground on which the petitioner seeks bail is gross delay in the trial. Despite the petitioner having been arrested in April, 2014, charge has only been framed on 1st October, 2016 after notice was issued in the present petition.

6. A detailed status report has been filed which reveals that after the petitioner was arrested on 29th April, 2014, supplementary charge-sheet qua him was filed before the Trial Court on 6th June, 2014 and the next

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date was fixed on 8th July, 2014. On 8th July, 2014, counsels for accused B.B.Basra and Rajan Jain sought copies of the supplementary charge and even counsel for the petitioner pointed out that the documents were not complete. Thereafter advance copies were supplied only on 20th August, 2014, after repeated adjournments and the Investigation Officer not being present.

7. On 20th August, 2014, the Investigation Officer also sought for filing supplementary charge sheet against some of the other persons and thus matter had to be adjourned repeatedly and after only one year on 7th August, 2015, supplementary charge sheet was filed against two other persons, namely, Narender Kumar and Sri Mohan Bansal. Thereafter matter had to be adjourned because firstly, the summons could not be served on Sri Mohan Bansal and Narender Kumar. Even the Non-bailable warrants could not be served till 24th November, 2015 when fresh Non-bailable warrants were issued and finally they appeared on 22nd December, 2015 and were granted bail. Then the process of supplying documents to Sri Mohan Bansal and Narender Kumar started and finally charge sheet was supplied to them on 29th February, 2016. The proceedings could not take place before the Trial Court on 7th April, 2016, 21st April, 2016 and 5th May, 2016 as the case file was not available. Order directing framing of charge was passed on 1st October, 2016 and the charge was framed on 7th October, 2016 under Sections 420/471/120-B IPC against Ramesh Chander Aggarwal and Sri

Mohan Bansal whereas against Narender Kumar, Rajan Jain and B.B.Basra under Section 420/120-B IPC.

8. It is, thus, evident that the petitioner is in custody for more than two and a half years with no trial proceeding.

9. Considering the fact that the petitioner has already been in custody for more than two and a half years and trial is likely to take some time, this Court deems fit to grant bail to the petitioner. It is, therefore, directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹1,00,000/- with one surety of the like amount subject to satisfaction of the learned Trial Court, further subject to the condition that the petitioner will surrender his passport to the Trial Court and will not leave the country without permission of the Trial Court. In case, the petitioner changes his residential address, the same will be informed to the Trial Court by way of an affidavit.

10. The petition is accordingly, disposed of.

Order *dasti*.

MUKTA GUPTA, J.

NOVEMBER 04, 2016

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