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

+ **BAIL APPLN. 1067/2016**

VIKAS JAIN

..... Petitioner

Represented by: Mr. J.P. Sengh, Sr. Adv. with
Mr. Sunil Aggarwal, Mr.
Ravinder Chingla, Advs.

versus

STATE

..... Respondent

Represented by: Mr. Kewal Singh Ahuja, APP
with SHO Kishan Pal, ASI
Tika Ram PS Lajpat Nagar.
Mr. Nimesh Chib, Mr. Praveen
Kr. Taank, Advs. for
complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

05.08.2016

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1. By this petition the petitioner seeks anticipatory bail in case FIR No.334/2016 under Section 452/323/342/384/506/511/120-B IPC registered at PS Lajpat Nagar.

2. Learned counsel for the petitioner contends that to wriggle out a civil dispute between the petitioner and the complainant arising out of a contract entered into between the parties, the complainant has falsely implicated the petitioner. The petitioner financed the application of the complainant for providing laboratory services to the patient's undergoing out-door treatment at Aam Aadmi Mohalla Clinic. Since complainant was short of funds he approached the petitioner to finance the requisite EMD and performance guarantee to the tune of ₹20.25 lakhs and it was agreed that both the parties

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will perform their respective functions and profit would be shared amongst them. Copy of the agreement dated 23rd March, 2016 is placed on record. However, after the work started, the complainant realised that the business was lucrative and thus he wanted to wriggle out of the joint venture and usurp the entire amount. Thus the petitioner asked the complainant to refund the amount or pay his share, however to avoid the liability complainant foisted the above-noted false FIR. It is stated that the petitioner has already joined the investigation. There is no legal evidence that the petitioner was a conspirator in the offences alleged. Hence he be granted anticipatory bail.

3. Learned APP for State has taken me through the FIR and the status report. Allegations in the FIR lodged by Dr. Raj Narang are that he was running a pathology lab at G-49, Lajpat Nagar-II in the name of Unipath Diagnostics. On 15th May, 2016 when he was present in his room in the laboratory, two persons entered his chamber, locked the room from inside, took out a pistol and threatened him to sign on the documents. On an alarm being raised his son and some other persons came to his rescue and one accused Vinay was apprehended with his pistol and documents, however the other accused fled away. He apprehended that the accused had committed the offence on the directions of the petitioner herein with whom he had entered into a contract in relation to the tender from Delhi Government for diagnostic test at Aam Aadmi Mohalla Clinic awarded to the complainant.

4. A perusal of the status report would further reveal that Vinay who was apprehended at the spot initially disclosed that he was offered ₹10,000/- for the work from one Surender and his associates namely Jumman and Aakash

and a person named Dr. Vikas Jain. The facts stated in the disclosure were not verified. Vinay was re-interrogated and this time he disclosed that his associates were Titi and Fauza and that they along with two other persons had come to his residence and introduced one of them as Dr. Vikas Jain. Though a CCTV was installed at the clinic of Dr. Narang, however it was stated to be not working at the relevant time. From the CCTV footage installed at 'K' Block Lajpat Nagar-II it was found that Titi and Fauza were near the place of incident prior to committing the offence.

5. During investigation as per the CDRs, no link has been found between Dr. Vikas Jain and the arrested accuseds. Further the documents which Dr. Raj Narang alleges to have been brought by the accused for taking his signatures were e-Stamp papers purportedly bought by Dr. Raj Narang himself.

6. Considering the facts and circumstances of the case, the fact that the petitioner has already joined the investigation and that there is a dispute with regard to recovery of money from Dr. Raj Narang raised by the petitioner, 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 learned Trial Court.

7. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

**AUGUST 05, 2016/‘ga’
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