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

+ **BAIL APPLN. 1470/2016**

MAKHAN SINGH

..... Petitioner

Through: Mr. A.K. Singh, Adv.

versus

STATE

..... Respondent

Through: Mr. Mukesh Kumar, APP for State
with Insp. R.N. Choudhary, EOW.

Mr. Vishal Gohri, Adv. for
complainant.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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14.09.2016

As per the FIR, petitioner along with co-accused Smt. Mohinder Kaur, Sh. Swaran Singh, Sh. Ravinder Sharma and Sh. Gurmeet Singh has cheated the complainant to the tune of ₹4.25 crores by selling the property, bearing No.5, Mulberry Drive, DLF, Chattarpur, New Delhi owned by one Mohinder Kaur. Petitioner had approached the complainant with co-accused Smt. Mohinder Kaur and introduced her as owner of the said property; whereas she was not the actual owner of the property. Co-accused Sh. Gurmeet Singh and Sh. Ravinder Sharma had identified Smt. Mohinder Kaur as the owner of the property.

Learned APP for the State submits that Smt. Mohinder Kaur @ Balbir Kaur was arrested on 5th April, 2014, who disclosed that her actual name

was Smt. Balbir Kaur. She had met accused Sarwan Singh and his son. Sarwan Singh convinced her to impersonate as Smt. Mohinder Kaur only owner of the property in question. He promised her to pay ₹10 lacs. In the year 2009, Sarwan Singh and Baldev Singh took her to police post Mohre Wala and on their instructions she lodged a missing report of the original documents. On the basis of the said complaint, certified copy of the documents in respect of the property was applied with the Sub Registrar Office, Mehrauli. It is submitted that petitioner is the main accused and he had planned the whole deal. All the accused persons conspired with each other and cheated complainant. In fact, the actual owner Smt. Mohinder Kaur had not sold the property.

Learned counsel for the petitioner submits that petitioner is in custody for more than two and a half years. Charge-sheet has been filed and trial is underway. Complainant has already been examined, cross-examined and discharged. Though, complainant claims to have been cheated by ₹4.25 crores but receipts produced by him are only to the tune of ₹2 crores. Petitioner has already paid ₹60 lacs to the complainant.

Keeping in mind the totality of the circumstances, more particularly the fact that petitioner is in custody for two and a half years and conclusion

of trial is likely to take time, it is ordered that petitioner be released on bail subject to furnishing a personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of trial court.

Application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

SEPTEMBER 14, 2016

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