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

+ CRL.M.C. 2552/2016 & CrI. M.A. No.10964/2016 (for stay)

MOHIT SANDUJA Petitioner

Represented by: Mr. Ashish Chauhan, Advocate.

versus

STATE & ORS. Respondents

Represented by: Mr. Ravi Nayak, APP for the State
with SI Pankaj Kumar, PS Mayapuri.
Mr. J.D. Sharma, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **24.10.2016**

1. Aggrieved by the order dated 14th July, 2015 whereby the application of respondent No.2 seeking cancellation of bail of the petitioner was allowed, the petitioner preferred the present petition in case FIR No.535/2015 under Sections 419/420/467/468/471/120-B IPC registered at PS Mayapuri.

2. During the custody of the petitioner, a settlement was arrived at between the petitioner and respondent No.2/complainant vide Memorandum of Understanding dated 20th October, 2015 wherein without prejudice to the rights and contentions of both the parties, they agreed to resolve their dispute on the petitioner paying a sum of ₹40 lacs to respondent No.2. An amount of ₹5 lacs was paid by way of demand draft dated 16th October, 2015 and in respect of the balance amount of ₹35 lacs, ten instalments were agreed for which the last cheque was issued for 30.1.2016. The petitioner was thus released on bail on handing over the post dated cheques. The cheques for the amount of ₹35 lacs were dishonoured and when an application for cancellation of bail was filed, the petitioner paid a sum of ₹21.5 lacs in addition to ₹5 lacs earlier paid;

however, balance amount of ₹13.5 lacs still remained to be paid. Considering the fact that the petitioner had not paid the balance amount, the learned trial court vide impugned order dated 14th July, 2015 cancelled the bail of the petitioner. Hence, the present petition.

3. When this petition came up before this court on 22.7.2016, the petitioner stated that though he had already paid a sum of ₹26.5 lacs and a penalty of ₹50,000/-; however, he could not pay the balance amount of ₹13.5 lacs as his mother was admitted in the hospital and to show his *bona fide* he was willing to deposit a sum of ₹3 lacs within one week with the Registrar General of this court and the balance amount of ₹10.5 lacs within two months thereafter. This court, thus, stayed the operation of the order of the learned Additional Sessions Judge cancelling the bail of the petitioner till the next date of hearing, which order was extended from time to time.

4. The petitioner has deposited a sum of ₹13.5 with the Registrar General of this court. Considering the fact that the petitioner has deposited the balance amount besides paying penalty of ₹50,000/-, this court deems it fit to set aside the impugned order dated 14th July, 2015 cancelling the bail of the petitioner.

5. Consequently, the order dated 14th July, 2015 is set aside. An amount of ₹13.5 lacs deposited by the petitioner would remain with the Registrar General in a fixed deposit which will be renewed from time to time subject to the final outcome of the trial or the settlement, if any, arrived between the parties.

6. The petition and application are disposed of. Order dasti.

MUKTA GUPTA, J.

OCTOBER 24, 2016/‘AA’