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

+ BAIL APPLN. 1527/2016

PRABDAYAL SINGH Petitioner

Through Mr.S.K. Gandhi, Adv.

versus

STATE Respondent

Through Mr.M.P. Singh, APP with SI Pawan Singh, PS Krishna Nagar.
Mr.S.D. Sharma, Adv. for the complainant.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **04.08.2016**

Crl.M.A. 11533/2016 (Exemption)

Application is allowed subject to just exceptions.

Bail Appln. 1527/2016

Arguments heard.

The present application has been filed by the petitioner under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.0092/2016, under Sections 380/420/467/468/471/506/120-B/34 IPC, Police Station Krishna Nagar.

The allegations levelled in the present case are that the petitioner/accused along with co-accused Ranjeet Kaur and Inder Pal Singh hatched a criminal conspiracy by way of forging of documents and cheating worth Rs.45 lacs with the complainant by selling three floors with roof and terrace right with common entrance from ground

floor measuring 66.66 square yards in House No.D-3/16, Krishna Nagar, Gandhi Nagar, Delhi. It was also alleged that the accused persons committed criminal trespass by breaking open the lock and also committed theft of the articles of the complainant.

During the course of investigation, learned APP for the State has submitted that notice under Section 41 of the Cr.P.C. was given to the petitioner but he did not cooperate in the investigation. It is further submitted that the custodial interrogation of the petitioner is required for the purpose of investigation.

The fact remains that the notice under Section 41 Cr.P.C. was served upon the petitioner/accused and he joined the investigation. Despite joining the investigation by the petitioner, the Investigating Officer did not choose to arrest the petitioner.

In the above mentioned facts and circumstances, the application is allowed. It is ordered that in the event of arrest of the petitioner, he be released on furnishing the personal bond in the sum of Rs.25,000/- with two sureties in the like amount to the satisfaction of the arresting officer. The petitioner is directed to join the investigation as and when required and shall not tamper with the evidence or influence the prosecution witnesses. He is further directed not to leave the country without prior permission of the Court concerned.

Application is disposed of accordingly.

Dasti.

P.S.TEJI, J

AUGUST 04, 2016
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