

\$~48

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

+ **BAIL APPLN. 1666/2016**

SUNIL KUMAR

..... Petitioner

Through Mr.Kuldeep Rana, Adv.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through Ms.Manjeet Arya, APP with SI
Mukesh Kumar, PS Dwarka South.
Mr.Ajayinder Sangwan, Mr.Rajeshwar
Dagar, Mr.Dinesh Mudgil and
Mr.Manoj Ahlawat, Advs. for the
complainant.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

%

16.08.2016

Crl.M.A. 12648/2016 (Exemption)

Application is allowed subject to just exceptions.

Bail Appln. 1666/2016

Arguments heard.

The present application has been filed under Section 438 Cr.P.C. for the grant of bail in FIR No.288/2016, under Section 420/34 IPC, Police Station Dwarka South.

As per FIR, the allegations levelled are that the complainant made a statement to the police that he knew the accused persons, namely, Sandeep Shivani, Smt.Praveen Shivani and Sunil Kumar. Accused Sandeep Shivani and Smt.Praveen Shivani were the property

dealers. All the accused persons showed a house at RZG-1, Gitanjali Park, West Sagarpur, New Delhi. As the complainant wanted a flat, the accused persons told him that Sunil Kumar was the owner of the flat and accused Sandeep Shivani had entered into a collaboration agreement with the owner of the house to construct flats on the said plot after demolishing the existing structure. The accused persons ensured the complainant that he would be sold the second floor of the house. All the accused persons contacted the complainant on 18.08.2014 and gave him a copy of collaboration agreement. At that time accused Sunil Kumar was also present. The deal was finalised for a sum of Rs.8,50,000/-, out of which Rs.7 lacs were given by the complainant to accused Sandeep Shivani and his wife Praveen Shivani. Thereafter, neither was the flat given to the complainant nor was the money returned.

Argument advanced by the counsel for the petitioner is that the petitioner has no role to play in the present case. He is the just the owner of the plot and he was not given any money by the complainant. It is further argued that the petitioner has readily joined the investigation whenever called by the Investigating Officer and his custodial interrogation is not required.

On the other hand, learned APP for the State has submitted that NBW against the present accused/petitioner as well as other co-accused persons has already been issued by the Court and the accused persons are evading their arrest, so no ground is made out to grant bail to the petitioner.

As per FIR, there are specific allegations against the

petitioner/accused that he was present at the time of showing of the plot where the flats were to be constructed, at the time of handing over of the copy of collaboration agreement and at the time of transaction of money. Even the fact remains that Non Bailable Warrants are still in operation against the petitioner.

In view of the above mentioned facts and circumstances, this Court is not inclined to grant bail to the petitioner.

Application is accordingly dismissed.

P.S.TEJI, J

AUGUST 16, 2016
dd