

\$~3

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

+ BAIL APPLN. 2317/2016 & CrI.M.A. No.17681/2016

SHAILENDER SINGH CHAUHAN @ BABLU
CHAUHAN

..... Petitioner

Through Mr.Ghanshyam Sharma, Adv.

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through Mr.Panna Lal Sharma, APP for the
State with SI Vinay Kumar, PS Neb
Sarai.

Mr.Hari Om, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

%

15.11.2016

1. The present bail application under Section 438 of the Code of Criminal Procedure, has been filed by the petitioner for grant of anticipatory bail in a case arising out of FIR No.0734/2016 dated 22nd September, 2016, registered under Sections 420/406/306 of the Indian Penal Code at Police Station Neb Sarai.

2. The allegations against the accused are that one person namely Uday Singh entered into the agreement with the accused Shailender Singh Chauhan@Bablu Chauhan, the petitioner herein, for purchase

of property and a sum of Rs.3,10,000/- was paid to the accused. Subsequently, the title of the property was found to be defective. Thereafter, Uday Singh demanded the money back but the same was not given to him on the pretext that another plot would be given to him. However, due to the fact that neither the property was transferred to him nor money was given back, Uday Singh committed suicide.

3. Learned counsel for the petitioner argues that after the death of Uday Singh, the matter was compromised and as per the compromise, the petitioner was to pay Rs.2,60,000/- to Smt.Rani, wife of Late Uday Singh. The petitioner issued four cheques for the total sum of Rs.2,60,000/- whereas the counsel for the complainant has submitted that when the cheques were presented for encashment, the same was dishonoured which led to the inference that the accused was well aware about the liability and that he was responsible for abetting suicide of Uday Singh.

4. It is submitted by learned counsel that Smt.Rani had filed a complaint under Section 138 of the Negotiable Instruments Act in respect of the above dishonoured cheques, which is still pending.

5. I have heard learned counsel for the parties at length and gone through the available records.

6. The discussion made above apparently shows that Uday Singh committed suicide and it is also not disputed that the cause for commission of suicide was frustration and insecurity created by the petitioner. The agreement was executed between the accused and he claimed a sum of Rs.3,10,000/- and subsequently neither the property was given to the complainant nor the amount was given back. The allegation levelled against the petitioner is that the death of Uday Singh was abetted by him which led to the registration of the FIR under Section 306 of the IPC.

7. In the facts and circumstances mentioned above, I do not consider it a fit case for grant of concession of anticipatory bail to the petitioner.

The bail application and CrI.M.A. No.17681/2016 are dismissed.

P.S.TEJI, J

NOVEMBER 15, 2016/aa