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IN THE HIGH COURT OF DELHI AT NEW DELHI

DECIDED ON : JANUARY 10, 2017

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CRL.M.C. 484/2016 & Crl.M.A.2054/2016

MANU SINGH

.... Petitioner

Through : Mr.Ramesh Gupta, Sr.Advocate, with
Mr.Kuber Giri, Mr.Sarvpreet Singh
Chawla, Advocates.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through : Mr.Arun Kr.Sharma, APP.
Mr.Abhijat with Mr.Rajesh Chugh
with Mr.Amit Basoya, Advocates for
R-2.
Insp.Umesh Sharma with SI
Shailendra Kumar.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (ORAL)

1. Present petition has been preferred by the petitioner to challenge the legality and correctness of an order dated 21.12.2015 of learned Additional Sessions Judge, Saket Courts, whereby respondent No.2 was granted regular bail in case FIR No.69/14 under Sections 120B/420 IPC registered at Police Station EOW. The petition is contested by respondent No.2.

2. I have heard the learned counsel for the parties and have examined the file. It is second round of litigation. Admittedly, the respondent No.2 was earlier granted regular bail by an order dated 17.07.2015 (Annexure 'B') which was cancelled by this Court in CrI.M.C.No.3063/2015 on 03.09.2015 (Annexure 'E'). The Hon'ble Supreme Court dismissed respondent No.2's SLP challenging the order of this Court on 14.09.2015 observing that the order did not prejudice the rights of the respondent No.2 for bail at an appropriate moment (Annexure 'F').

3. Respondent No.2 again filed application for regular bail which resulted in its dismissal by an order dated 2.12.2015. Learned Additional Sessions Judge in its order dated 3.12.2015 did not deem it fit to consider the second bail application due to its cancellation by an earlier order of this Court. This Court vide order dated 9.12.2015 in W.P.(CrI.)2894/2015 (Annexure 'J') directed the court below to decide the bail application without being prejudiced by the fact that earlier an order of bail was cancelled by the High Court or that the present writ petition, challenging the order refusing to grant bail to the petitioner, has been withdrawn. This order was challenged before the Supreme Court in SLP (CrI.) 600-601/2016 by the petitioner. It was disposed of by an order dated 19.01.2016 granting liberty to the petitioner to challenge the orders dated 3.9.2015 passed in CrI.M.C.No.3063/2015 before the High Court (Annexure 'M').

4. Learned Senior counsel for the petitioner urged that there were no change of circumstances to consider the second bail application of respondent No.2 to grant her bail. The respondent No.2's husband-Girish Chopra is absconding and has since been declared 'Proclaimed Offender'. Allegations against respondent No.2 are grave and serious whereby the

petitioner was deprived of huge amount on the false misrepresentation regarding the status of the properties in question sold to him. Learned counsel for respondent No.2 urged to the contrary.

5. Undisputedly, earlier the respondent No.2 was granted regular bail vide order dated 17.07.2015. It was observed therein that respondent No.2 was in custody since 10.06.2015. The petitioner had previous monetary transactions with respondent No.2 and her husband. The impugned order records that respondent No.2 had remained in custody till the time of consideration of second application for regular bail. It is not disputed that upon completion of investigation, a charge-sheet has already been filed and the investigation qua respondent No.2 is complete. Girish Chopra, her husband, has since been declared 'Proclaimed Offender'. The Trial Court further noted that respondent No.2 cannot be kept in custody till eternity. She being a female deserves leniency as provided in the Chapter dealing with the bail aspect of the Code of Criminal Procedure. It further observed that the case is purely based on documentary evidence which has already been seized by the Investigating Officer and the custodial interrogation is not required.

6. I find no illegality or perversity in the order granting regular bail to respondent No.2. She has remained in custody for sufficient duration. Investigation qua her has already been completed and charge-sheet has been filed. It has not been shown as to how her continuous further detention would serve any purpose. Her pass-port has already ordered to be seized. She, on her own, had returned from Malasiya to India when she was apprehended. Record further reveals that parties were acquainted with each other prior to entering into transactions in question. There were financial

dealings between the two. It has come on record that ₹2,26,00,000/- were returned to the petitioner/complainant from the account of respondent No.2. The money has been transferred to the account of petitioner's mother. This fact has been admitted by the petitioner's counsel before the Sessions Court at the time of grant of bail.

6. It is further stated in response to the petition that in other cases in which respondent No.2 has been implicated, she has been released on bail. The co-accused persons have also been granted bail. Nothing has come on record to show if after the grant of bail, the respondent has misused the liberty or interfered in the legal proceedings.

7. In the light of the above discussion, I find no merit in the present petition for cancellation of bail. It is dismissed.

(S.P.GARG)
JUDGE

JANUARY 10, 2017
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