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

+ BAIL APPLN. 221/2017

DHEERAJ TYAGI

..... Petitioner

Through Mr.Rambir Chauhan, Adv.

versus

STATE (GOVT OF NCT DELHI) & ORS

..... Respondent

Through Mr.Sudershan Joon, APP with SI
Vijay Kumar, PS Burari.
Adv. for the complainant.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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03.02.2017

CrI.M.A. 2001/2017 (Exemption)

Application is allowed subject to just exceptions.

Bail Appln. 221/2017

Arguments heard.

The present application has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.582/2016, under Sections 420/120B IPC, Police Station Burari.

As per FIR, the complainant Krishan Kumar made a complaint to the police to the effect that accused Dheeraj Tyagi sold a plot of land bearing Private No.8, admeasuring 1880 sq. Yards out of 2/3rd share in the land measuring 11 bigha, falling under Khasra No.09/19 and 22 situated in Village Kamalpur Majra Burari to third parties despite selling the same to the complainant. It was alleged that in

May, 2014, the accused Dheeraj Tyagi claimed himself to be the owner of the said plot and offered to sell the same to the complainant. It was agreed to sell the said plot for a sum of Rs.1,56,50,000/-, out of which the complainant paid the advance amount of Rs.5 lakhs vide cheque dated 16.05.2014, but the accused did not execute the documents. Thereafter, the complainant paid the sum of Rs.14,50,000/- through RTGS and paid the sum of Rs.1,35,50,000/- in cash to the accused who executed the title documents. The complainant raised construction on the said plot. On 01.05.2016, one Sunil Tyagi, nephew of accused Dheeraj Tyagi along with other persons trespassed in the said plot. On 03.05.2016, the complainant made a complaint to the police. On 08.06.2016, Sunil Tyagi again trespassed in the said plot. Later on, the complainant came to know that accused Dheeraj Tyagi sold the said plot to third parties also and thus committed cheating with the complainant.

During the course of arguments, it has been submitted that the land in question belongs to Gram Sabha and the accused/petitioner had no right to sell the same to the complainant.

The Investigating Officer present in the Court has submitted that he has already issued a notice under Section 160 Cr.P.C. to the accused and the presence of accused is required for the purpose of taking his specimen signatures.

Keeping in view the above mentioned facts and circumstances, this Court is of the considered opinion that the accused/petitioner is not required for the purpose of custodial interrogation. Consequently, the application is allowed. It is hereby

ordered that in the event of arrest of the accused/petitioner, he shall be released on bail on furnishing the personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the arresting officer. The accused/petitioner is directed to join the investigation as and when required; not to tamper with the evidence; not to influence the prosecution witnesses; and shall not leave the country without prior permission of the court concerned.

Before parting with the order, this court would like to place it on record by way of abundant caution that whatever has been stated hereinabove in this order has been so said only for the purpose of disposing of the prayer for bail made by the petitioner. Nothing contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in the case which shall naturally have to be done by the Trial Court seized of the trial.

Bail application is accordingly disposed of.

P.S.TEJI, J

FEBRUARY 03, 2017
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