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

+ **BAIL APPLN. 288/2017**

SUDHIR ARORA Petitioner

Through : Mr. K. Singhal, Adv.

versus

STATE NCT OF DELHI Respondent

Through Dr. M.P. Singh, APP with SI Santosh
Kumar, P.S. Tilak Nagar for the State
Mr. M.S. Rohilla, Adv. with
complainant in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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11.04.2017

Learned counsel for the petitioner submits that an oral Collaboration Agreement was arrived at between the petitioner and Mr. Prabhjot Singh Anand (co-accused), for developing the property bearing no. RL-37, Ganga Ram Vatika, Tilak Nagar, New Delhi. It was agreed between the petitioner and co-accused that petitioner will raise construction and in turn will get second floor. Besides this, petitioner will have to pay ₹1.37 crore to Shri Gurdeep Singh and Ms. Kulvinder Kaur, from whom Prabhjot Singh Anand was purchasing the aforesaid property. As agreed, petitioner paid ₹1.37 crore to Mr. Gurdeep Singh and Ms. Kulvinder Kaur. Thereafter, petitioner

developed the property. Petitioner also entered into an Agreement to Sell with the complainant in respect of the second floor, which was to come to his share, for ₹2.20 crores. Complainant had paid ₹1.76 crore on different occasions in the presence of co-accused Prabhjot Singh Anand. Disputes arose between the parties in respect of this transaction. Accordingly, complainant filed a civil suit being CS(OS) no. 2408/2015 for specific performance, wherein petitioner has already filed the written statement, inasmuch as issues have been framed on 28th July, 2016 and the trial is underway.

Investigations are complete. Charge-sheet has been filed. Petitioner is in custody for twenty months and is not required for any further investigation. Petitioner may be admitted to bail.

Learned APP, who is assisted by the learned counsel for the complainant, has opposed the grant of bail to petitioner, on the ground that allegations are serious in nature. Petitioner has admitted that he had received the aforesaid amounts, inasmuch as receipts were issued. Petitioner had no authority to execute the Agreement to Sell as he was not the owner. Petitioner has cheated the complainant to the extent of ₹1.76 crore. Co-accused Prabhjot Singh Anand was granted anticipatory bail, subject to his

depositing ₹50 lacs, which he had received from the complainant. Petitioner has not deposited any amount.

Keeping in mind the totality of circumstances including the fact that petitioner is in custody for about twenty months, trial is likely to take time and that petitioner is not required for any investigation, he is admitted to bail, subject to his furnishing a personal bond in the sum of ₹1,00,000/- (Rupees One Lac Only) with one surety in the like amount to the satisfaction of the trial court.

Bail application is disposed of in the above terms. Dasti.

A.K. PATHAK, J.

APRIL 11, 2017

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