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

DECIDED ON : JANUARY 16, 2017

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BAIL APPLN. 1031/2016

KISHAN VERMA @ GULLU

..... Petitioner

Through : Mr.Rajiv Ranjan, Advocate along
with petitioner present in person.

versus

THE STATE

..... Respondent

Through : Mr.Amit Gupta, APP.
Mr.M.Shamikh, Advocate for the
complainant.
SI Ranvir Singh, PS Burari.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.GARG, J. (ORAL)

1. The petitioner seeks regular bail under Section 439 Cr.P.C. in case FIR No.340/2014 under Section 420/468/471/120B IPC registered at Police Station Burari. Status report is on record.
2. I have heard the learned counsel for the parties and have examined the file.
3. By an order dated 5.8.2016, at the request of petitioner's counsel to explore possibility of amicable settlement and to arrange certain amount to be given to the complainant without prejudice and subject to

future adjustment, two weeks interim bail was granted to the petitioner. On 24.08.2016, ₹2,00,000/- were given by the petitioner to the complainant. The matter was referred to Delhi High Court Mediation and Conciliation Centre to explore possibility of amicable settlement. As per settlement arrived at before the Mediation Centre vide Settlement Agreement dated 29.09.2016, the petitioner were to pay ₹14,00,000/- to the complainant. Till date, the petitioner has not paid any such amount. Vide order dated 24.11.2016, the interim bail was extended with the specific directions that the petitioner shall comply with the terms and conditions of the settlement or else concession of interim bail would be withdrawn.

4. Today it is informed that the petitioner has not complied with the terms and conditions of the settlement and not a single penny has been given. A request was made by the petitioner's counsel to pay ₹2,00,000/- to the complainant today and to give more time to make the payment subsequently. This offer is not acceptable to the complainant's counsel.

5. There are serious allegations against the petitioner whereby the property in question was sold to the complainant vide registered sale deed dated 07.12.2009. The petitioner allegedly executed documents regarding the property in question in favour of his wife Sangeeta Verma who further sold it to one Rajnish Tyagi by registered sale deed dated 15.04.2013. During investigation it further revealed that the petitioner and Sangeeta Verma in conspiracy had already sold the property to one Shiv Narain on 4.3.2009 prior to the execution of the documents in favour of the complainant. Shiv Narain further sold the said property to Sangeeta Verma on 15.03.2012 who further sold it to Rajnish Tyagi on 15.04.2013.

6. Considering the serious allegations and petitioner's default in abiding by the terms and conditions of the settlement arrived at before the Mediation Centre, he does not deserve the bail.

7. The bail application is dismissed.

(S.P.GARG)
JUDGE

JANUARY 16, 2017

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