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

+ **CRL.M.C. 2327/2017**

UPENDER KUMAR GARG

..... Petitioner

Through

Mr. N.P. Singh and Mr. H.L Raina,
Advs.

versus

STATE NCT OF DELHI & ORS

..... Respondents

Through

Mr. Hirein Sharma, Addl. PP for State
with IO Insp. Pankaj Arora.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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30.05.2017

CRL. M.A. 9468/2017 (exemption)

Exemption allowed, subject to just exceptions.

Application stands disposed off.

CRL.M.C. 2327/2017

Heard. Ld. Counsel for the petitioner submits that the observations made in the order dated 7.10.2016 adversely affect the right of the petitioner to claim back the money deposited by him with IFI Reality (old). Advrntance is made to the observations, of which the petitioner is mainly aggrieved, is as follows :

“.....
.....
This court has to take into consideration that if any amount paid by the buyers besides the amount mentioned in the

registered documents, the said amount cannot be taken into consideration in as much as if a person paid the amount besides legal manner i.e. in illegal manner then definitely, he cannot take assistance of the law. Assistance of law can be taken by the person who enters into transaction following the law of land i.e. with accounted money.

.....
.....”

Bail application records with the observations made in the said order shall have no effect on the merits of the case, as the merit of the case has to be decided on the basis of the evidence led during the trial. In this background, it would suffice to say that any observation made by the Id. ASJ in order dated 7.10.2016 will not pre-empt any claim of the petitioner for the release of money in his favour, if, he is so entitled. Petition stands disposed off accordingly.

A. K. CHAWLA, J

MAY 30, 2017

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