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

+ **BAIL APPLN. 1112/2017**

AMARPAL SINGH

..... Petitioner

Through: Mr.Rajat Aneja & Ms.Chandrika
Gupta, Advocates.

versus

THE STATE

..... Respondent

Through: Ms.Kusum Dhalla, APP for the State
with SI Kamal Kumar, PS Okhla
Industrial Area.
Mr.Tanmay Mehta, Advocate for the
Complainant.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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04.07.2017

BAIL APPLN. 1112/2017

1. This is an application moved on behalf of the petitioner under Section 438 CrPC read with Section 482 CrPC seeking anticipatory bail in case FIR No.608/2016 under Sections 420/406/120-B/34 IPC, PS Okhla Industrial Area, New Delhi.
2. Heard learned counsel for the parties.
3. Case FIR No.608/2016 was registered on the basis of complaint made by Mr.Rasik Sahni against accused Amarpal Singh – Marketing Agent,

Jaspal Singh Batra, Jaspreet Batra, Harjot Batra and Gurjot Batra – Promoters of M/s Batra Graphic Machinery, M/s. Sheefa Exports Pvt. Ltd., # A-41, Naraina Industrial Area Phase-II, New Delhi, M/s Trinity Printing Machinery, Inc. 4021 W.Water's Ave. Suite D, Tampa, Florida -33614, USA and M/s. Icon Global Services, # Unit 8, Trade City Sunbury, Brooklands Close, Sunbury On Thames, Surrey TW16 7 DX, United Kingdom for committing the offences of criminal breach of trust and cheating in the deal for purchasing printing machine Komori L640.

4. Mr.Rajat Aneja, learned counsel for the petitioner submits that as per the FIR, the petitioner was only a marketing agent in this deal. The main accused Jaspal Singh Batra has already been granted protection against arrest vide order dated 18th May, 2017 in Bail Application No.870/2017 on his voluntarily offering to deposit ₹50 lacs without prejudice to his contentions and defence.

5. Mr.Rajat Aneja, learned counsel for the petitioner further submits that the co-accused Jaspreet Singh Batra has already been granted protection by this Court vide order dated 30th May, 2017 passed in Bail Application No.1058/017. He further submits that without prejudice to respective rights and contentions, the petitioner is willing to deposit any reasonable amount as deemed fit by this Court which may not be released to the complainant till the final outcome of this litigation.

6. Mr.Tanmay Mehta, learned counsel for the complainant submits that the complainant has the recording of admission by the petitioner of receiving ₹25 lacs in cash. Learned counsel for the complainant has drawn the attention of this Court to the prosecution's case that ₹25 lacs was received

by Amarpal Singh and this fact was noted by this Court while dealing with the bail application filed by Jaspreet Singh Batra. He further submits that the amount received by the petitioner was ₹25 lacs and he may be directed to deposit the amount received by him.

7. Mr.Rajat Aneja, learned counsel for the petitioner reiterates that the petitioner was only a marketing agent in this transaction and not the main accused, still without prejudice to respective rights and contentions, the petitioner is ready to deposit ₹25 lacs with this Court which may not be released to the complainant till the final outcome of this litigation.

8. In the facts and circumstances and willingness to deposit the amount expressed by the petitioner, it is directed that subject to depositing ₹25 lacs within four weeks from today with the Registrar General of this Court and joining the investigation as and when required by the IO/SHO concerned, in the event of arrest, the petitioner be released on bail on his furnishing personal bond in the sum of ₹50,000/- with one surety in like amount to the satisfaction of IO/SHO concerned subject to following conditions :

(i) The petitioner shall not leave the country without the permission of the Court.

(ii) During the pendency of the trial, the petitioner shall not contact the Complainant or other public witnesses in any manner whatsoever.

8. The amount of ₹25 lacs to be deposited by the petitioner shall be kept in interest bearing FDR for a period of one year with auto renewal facility and shall not be released to the complainant till the final outcome of this litigation.

10. The petitioner is directed to provide his contact number to the IO

concerned to facilitate communication for the purpose of joining the investigation.

11. The bail application stands disposed of.

12. However, it is made clear that on failure of the petitioner to comply with the above conditions, this bail application shall stand dismissed.

13. As prayed, copy of the order be given dasti to learned counsel for the parties.

CrI.M.B.No.1078/2017

Dismissed as infructuous.

PRATIBHA RANI, J.

JULY 04, 2017

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