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

+ BAIL APPLN. 1260/2017

SUDHIR ARORA

..... Petitioner

Through Mr. K. Singhal, Adv.

versus

STATE OF NCT OF DELHI

..... Respondent

Through Mr. Amit Gupta, APP with SI
Dhananjay Kumar, P.S. Tilak Nagar
Attendance slip not given by the
complainant's counsel

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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03.08.2017

As per the prosecution, petitioner approached the complainant in the month of June, 2012 and represented that he was constructing four storey building on the Plot bearing No. RL-37, Ganga Ram Vatika, Tilak Nagar, New Delhi and was willing to sell the first floor thereof. He induced him to purchase the same for ₹2,24,00,000/- without roof rights. He paid ₹1,39,00,000/- to the petitioner in installments. Petitioner showed an Agreement to Sell dated 14th June, 2012, purportedly executed by Shri O.P. Arora and Smt. S. Arora as owner of the property. Subsequently, it was revealed that Shri O.P. Arora was partner of the petitioner. Petitioner

admitted the receipt from the complainant of ₹1,39,00,000/-. When complainant asked the petitioner to execute the Sale Deed on receipt of balance sale consideration, he represented that Sale Deed was to be executed by Smt. Sunita Chaudhary and Shri Manish Mahajan. Petitioner represented that the Sale Deed will be executed on 5th March, 2014 at 1:40 PM in the office of Sub-Registrar-II, Basai Darapur. However, on 5th March, 2014 petitioner told him that Sale Deed cannot be executed as Smt. Sunita Chaudhary and Shri Manish Mahajan had already sold the first floor to someone else. In these facts, complainant alleged that the petitioner, in connivance with co-accused persons, had cheated him.

Learned counsel for the petitioner submits that investigation is complete and charge-sheet has already been filed. Petitioner has signed the Agreement to Sell only as a witness and not as an 'Executant'. Even the FSL report does not show that the petitioner was executant of the Agreement to Sell. Petitioner is in custody for the last 21 months. Trial is underway and will take time to complete. A civil suit has also been filed by the complainant, which is pending. Co-accused O.P. Arora has already been granted anticipatory bail. Payments were received by the petitioner on behalf of Smt. Sunita Chaudhary and Sh. Manish Mahajan.

Keeping in mind the totality of the facts and circumstances of the case, petitioner is admitted to bail, subject to his furnishing a personal bond in the sum of ₹50,000/- (Rupees Fifty Thousand Only) with two sureties in the like amount to the satisfaction of the trial court. Petitioner shall deposit his passport, if any, with the trial court. Petitioner shall not leave the country without prior permission of the trial court.

Bail application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

AUGUST 03, 2017

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