

\$~20

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

DECIDED ON: 29th March, 2017

+ **BAIL APPLN. 1271/2015**

AMIT KUMAR

..... Petitioner

Through : Mr.Sanjay Mann & Mr.R.K.Pillai,
Advocates.

VERSUS

STATE (NCT OF DELHI)

..... Respondent

Through : Ms.Meenakshi Dahiya, APP with SI
Bhawani Shankar, PS Mianwali
Nagar.
Mr.Dhanesh Relan, Advocate with
Ms.Isha Garg & Mr.Amit Mehta,
Advocates for the complainant.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (Oral)

1. The petitioner seeks anticipatory bail under Section 438 Cr.P.C. in case FIR No.510/2014 registered under Section 420/34 IPC at PS Mianwali Nagar. Status report is on record.
2. I have heard the learned counsel for the parties including the counsel for the complainant and have examined the file.
3. The present FIR was lodged under Section 156(3) Cr.P.C. In the complaint, the complainant O.P. Gupta claimed to have purchased

the plot bearing No.RZE-142-C measuring 150 sq.yd. out of Khasra No.84/18 situated at village Nangloi Jatt, Delhi for a valuable consideration of ₹2 lacs. The petitioner, a property dealer, had represented that Kaushalya Devi was absolute owner of the said plot. Believing the representation of the petitioner, the said plot was purchased and various documents regarding transfer of the property were executed on 31.08.2012. An Account Payee cheque in the sum of ₹2 lacs towards part payment of the Sale agreement was issued in the name of Kaushalya Devi. It was further alleged that on 11.09.2012, the petitioner brought Kaushalya Devi and she executed various documents. Since the complainant No.1 did not have sufficient funds, complainant No.2 invested her money and the plot was transferred in her name. It was further averred that since complainant No.2 was in need of money, she sold the plot to Manish Juneja and Jayant Sehgal on 27.12.2012. In February, 2014 they (Manish Juneja and Jayant Sehgal) informed that real owners of the property were Harish Makol and Vikas Makol and they had forcibly occupied the plot.

3. In the complaint, the complainants did not disclose as to for what total/exact consideration, the plot in question was purchased from Kaushalya Devi. It was also not elaborated as to when the remaining consideration was paid, if so, to whom and by what mode. It has rather come on record that the plot in question was sold by Shweta Aggarwal, complainant's daughter to Manish Juneja and Jayant Sehgal for a consideration of ₹2.5 lacs on 27.12.2012; she executed various documents in their favour. It has come on record

that subsequently an FIR No.110/2014 under Sections 420/467/468/471/120B/34 IPC at PS Nihal Vihar was registered against Shweta Aggarwal. Additional Status Report reveals that the said matter has been settled between the complainants in case FIR No.110/2014 and Shweta Aggarwal. A petition for quashing of the said FIR was disposed of with liberty to the petitioner therein to avail remedies available to them in law. Charge-sheet has since been filed against Shweta Aggarwal without arrest and the matter is under consideration.

4. The petitioner has placed on record the copy of the plaint in a suit for permanent injunction filed by Shweta Aggarwal against Manish Juneja and Jayant Sehgal on 09.12.2013. In the suit, she claimed to have purchased the suit property for a consideration of ₹2 lacs on 11.09.2012 from Kaushalya Devi. She did not assign any role in the transaction to the petitioner.

5. Nothing has come on record to show if any sale consideration was paid to the petitioner by the complainants. Kaushalya Devi is already in judicial custody.

6. By an order dated 01.07.2015, the petitioner was granted interim protection and was directed to join the investigation as and when required. Undisputedly, the petitioner has joined the investigation since then.

7. Considering the facts and circumstances of the case, the petitioner is granted anticipatory bail and in the event of arrest, he be released on furnishing personal bond in the sum of ₹ 40,000/- with one surety in the like amount to the satisfaction of the

SHO/Investigating officer. He shall, however, join the investigation as and when required.

8. The bail application stands disposed of.

9. Observations in the order shall have no impact on the merits of the case.

S.P.GARG, J.

MARCH 29, 2017 / tr