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

+ CRL.M.C. 2844/2017 & CrI. M.A. nos. 11776-77/2017

SUMIT NANDA Petitioner

Through :Mr. Sourabh Soni, Adv.

versus

STATE OF NCT OF DELHI & ANR. Respondents

Through :Ms. Meenakshi Chauhan, APP with
SI Pawan Kumar, P.S. Kalkaji for the
State

Mr. J.K. Hoon, Ms. Tulika Bhatnagar
and Mr. Daman Popli, Adv. with
respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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25.07.2017

By this petition under Section 482 Cr.P.C., petitioner has assailed the order dated 21st July, 2017 passed by the learned Additional Sessions Judge, whereby bail granted to the petitioner by the learned Metropolitan Magistrate vide order dated 15th February, 2017 in the FIR No. 692/2016 under Sections 420/406/120B IPC registered at Police Station Kalkaji has been cancelled.

I have perused the impugned order and find that bail has rightly been cancelled since petitioner did not fulfil the terms of settlement on the

grounds of which the bail was granted. Bail was not granted to petitioner on merits. It was granted purely on the ground of settlement arrived at between the petitioner and the complainant. Petitioner did not fulfil the terms of compromise. Learned Additional Sessions Judge has noted that petitioner had obtained the bail by practising deception/fraud. He has further noted that the order dated 15th February, 2017 of the learned Metropolitan Magistrate was based on the amicable settlement arrived at between the parties. It was recorded by the Metropolitan Magistrate in the order that mother of the petitioner had issued five cheques on his behalf and the same were to be encashed in coming five months, inasmuch as, an undertaking was given by the mother of the petitioner that cheques would be honoured on presentation and complainant would receive payment of the settled amount of ₹50,00,000/-. Additional Sessions Judge has noted that instead of honouring the cheques, mother of the petitioner issued a legal notice dated 14th March, 2017 that the charges and the undertaking dated 14th February, 2017 given in Court shall be treated as cancelled.

I am satisfied that petitioner had entered into the settlement only in order to get the bail. Since petitioner obtained bail on the pretext of settlement to pay the agreed amount to the complainant, learned Additional

Sessions Judge has rightly cancelled the bail for non-fulfilment of the offer made by the petitioner through his mother at the time of grant of bail.

Accordingly, petition is dismissed. Miscellaneous applications are disposed of as infructuous.

A.K. PATHAK, J.

JULY 25, 2017
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