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

+ BAIL APPLN. 2569/2016

DHEERAJ TYAGI

..... Petitioner

Through Mr.Rambir Chauhan, Adv.

versus

STATE (GOVT. OF NCT OF DELHI) & ORS. Respondent

Through Mr.Panna Lal Sharma, APP.
Mr.Vikesh Rathi, Adv. for the
complainant.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **10.01.2017**

Arguments heard.

The present application has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.442/2016, under Section 420/120B IPC, Police Station Burari.

As per FIR, the allegations levelled are that the complainant made a complaint to the police that he purchased a land admeasuring 3300 sq. yards out of Khasra No.9/19 and 9/21, Village Kamalpur Mazra, Delhi from co-accused Sunil Tyagi for a consideration of Rs.1.92 crores and co-accused Sunil Tyagi executed documents on 12.01.2016. It was further alleged that when complainant visited his land, he found some persons were attempting construction over the land owned by him. Those persons claimed to be owner of the said land and stated that they purchased the same from accused Dheeraj

Tyagi. It was further alleged that accused Dheeraj Tyagi sold the same land to some other persons also and involved in multiple sale of land owned by the complainant.

Arguments advanced by the counsel for the petitioner are that there is no allegation of any inducement or allurement on the part of the petitioner in the entire FIR. It was further submitted no dealing of any type had ever taken place between the complainant and accused/petitioner. The petitioner neither had taken any money from the complainant nor entered into any agreement with him with regard to property in question.

On the other hand, counsel for the petitioner has opposed the bail application on the ground that the co-accused Sunil Tyagi is acting at the behest of the present accused/petitioner. The petitioner is the person who had sold the land in question multiple times and thus committed the cheating.

The fact remains that there is no allegation against the accused/petitioner that he entered into any agreement with the complainant with regard to land in question. It is not alleged against him that he had taken any money from the complainant. The only allegation levelled against the accused/petitioner is that when the complainant contacted the persons on his purchased land, they informed that they had purchased the land in question from accused Dheeraj Tyagi.

In the facts and circumstances mentioned above, the accused/petitioner is granted anticipatory bail. It is hereby ordered that in the event of arrest of the petitioner, he shall be released on furnishing the personal bond in the sum of Rs.15,000/- with one surety in the like

amount to the satisfaction of the arresting officer. The petitioner is directed to join the investigation as and when required; shall not tamper with the evidence; shall not influence the prosecution witnesses and shall not leave the country without prior permission of the court concerned.

Before parting with the order, this court would like to place it on record by way of abundant caution that whatever has been stated hereinabove in this order has been so said only for the purpose of disposing of the prayer for bail made by the petitioner. Nothing contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in the case which shall naturally have to be done by the Trial Court seized of the trial. It is also made clear that this order shall not have any bearing on the bail application of any other co-accused or in any pending application in any other court. The grant of bail in the present matter is only for the purpose of present accused only.

The bail application is accordingly allowed.

P.S.TEJI, J

JANUARY 10, 2017
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