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

+ BAIL APPLN. 474/2018

BRIJPAL SINGH @ NIKKU

..... Petitioner

Through: Mr. Rajpal Kasana, Advocate with
Mr. Inderjeet Bainsla, Adv. &
Mr. Hemraj Tweakia, Adv.

versus

THE STATE

..... Respondent

Through: Mr. Ashish Dutta, APP for the State
Ms. Swati Gupta, Adv. along with
complainant in person.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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30.07.2018

The complainant in FIR No.197/2016 of Police Station Subzi Mandi alleges that he has been cheated by the petitioner. In the background facts, it is alleged that in May and August, 2013, the complainant had passed Rs.49,70,000/- in cash on to the petitioner as investment for purchase of certain "good property". It appears no such deal came through and when the complainant wanted return of his money, the parties entered into agreement to sell in respect of piece of land in Tehsil Sohna, District Gurugram, Haryana. The grievance of the complainant, however, was that the property thus offered by agreement to sell was worth Rs.8,00,000/- only. It is against this backdrop that he filed the present FIR.

The counsel for the petitioner submits that the petitioner is ready and willing to abide by the terms and conditions of the agreement to sell till date. Though, it appears that the petitioner had earlier not been co-operated with the investigation process, after he was granted interim protection by order dated 27.02.2018, he has joined investigation. In these facts and circumstances, a case for release on anticipatory bail is made out.

Thus, it is directed that in the event of the petitioner being arrested, he shall be released on bail by the arresting officer on furnishing personal bonds in the sum of Rs.30,000/- with one surety in the like amount subject to the following further conditions:-

- (i) The petitioner shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioner shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer;
- (iv) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence; and
- (v). He shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court.

This order will inure only till the date of first appearance of the petitioner in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against him by the court of cognizance.

The petition stands disposed of in above terms.

Dasti.

JULY 30, 2018

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R.K.GAUBA, J.