

\$~52

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

+ CRL.M.C. 1356/2018

SUMIT BHARANA

..... Petitioner

Through: Ms. Geeta Luthra and Mr. Mohit Mathur, Sr. Advs. with Mr. Vishal Gera and Mr. Akshay Abrol, Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. M.S. Oberoi, APP for State with Insp. Bijay Kumar, EWO.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

%

16.03.2018

Petitioner filed an application under Section 439 Cr.P.C. for grant of bail before the Additional Sessions Judge, Delhi which is still pending and listed for 17th March, 2018. On 1st May, 2017, petitioner was granted interim bail in order to facilitate him to settle the matter with the complainants. This interim bail was granted keeping in view the order passed by the Punjab & Haryana High Court dated 15th March, 2017 in similar FIR registered in Gurgaon. A perusal of order dated 28th October, 2017, passed by the learned Additional Sessions Judge, shows that petitioner had made a statement before the Court that 121 unallotted customers had been paid full payment; whereas 45 unallotted customers were paid 69% of

the payment. It was further stated that 35 complainants were allotted customers.

Investigating Officer, who is present in Court, submits that the list of complainants, provided by the petitioner to whom he has made payment, has been verified to a large extent. He further submits that around 150 complainants have been paid fully. Vide order dated 8th March, 2018 learned ASJ has cancelled the interim bail of the petitioner.

That is how the petitioner is before this Court by way of present petition under Section 482 Cr.P.C.

Learned senior counsel for the petitioner submits that petitioner is making serious endeavour to settle the matter with all the remaining complainants by clearing their dues. In case petitioner surrenders and goes to jail remaining complainants shall also suffer. Petitioner has genuine intention to make the payment to the remaining complainants. It is further submitted that Investigating Officer had issued notice dated 2nd February, 2018 pursuant thereof, petitioner appeared before the Investigating Officer on 18th February, 2018 and furnished updated list of complainants. Petitioner is cooperating in the investigation. It appears that learned ASJ was not satisfied by the progress of settlement in view of application of one

Jitesh Takkar for cancellation of interim bail. Learned Senior Counsel submits that petitioner has already paid entire amount to Jitesh Takkar. It is, thus, contended that trial court ought not have cancelled the interim bail of petitioner. It has been further assured that petitioner will cooperate and furnish all the information to Investigating Officer in respect of the complainants involved in the FIR registered at Delhi, that is, present FIR.

For the foregoing reasons, impugned order dated 8th March, 2018 is set aside to the extent it cancels the interim bail of petitioner. However, petitioner shall make genuine endeavour to settle the matter with the remaining complainants in the present FIR. Petitioner shall also appear before the Investigating Officer as and when he is called upon to do so.

Petition is disposed of in the above terms. Miscellaneous applications are disposed of as infructuous.

Dasti.

A.K. PATHAK, J.

MARCH 16, 2018

ga