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

+ BAIL APPLN. 970/2018

YASHPAL SINGH

..... Petitioner

Through: Mr. Vijay Kinger, Advocate.

Versus

STATE

..... Respondent

Through: Mr. Amit Chadha, APP for State with
Insp. Tanvir Ashraf, DIU/North East
District.

Mr. Rajat Aneja and Mr. Rakesh
Kumar, Advocates for Complainant.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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20.07.2018

The petitioner is accused of defrauding the complainant for a total amount of Rs. 5.50 crores, i.e. Rs. 4.50 crores in cash and Rs. 1 crore by cheque. He is accused in FIR No. 191/2012 under sections 420/408/471/120B IPC by Police Station, Zafrabad for having forged a Will of a person who has long passed away; it is on the basis of the forged Will that a co-accused, Sandhya Goyal was shown as the owner of agricultural lands admeasuring 26 bighas; the aforesaid monies were duped from the complainant by way of meaningless and fraudulent transfer/sale documents; later-on endeavours were made by the petitioner to return the said monies and cheques were handed over to the complainant; the cheques were dishonoured.

On 27.03.2018, the petitioner's Bail Application was dismissed. The Trial Court had noted that:-

“On the other hand, Ld. Addl. PP for the State has opposed the bail application stating that accused alongwith his associates had got prepared a Will on 29.05.2012 of one Shyam Sunder who had expired prior to that in favour of co-accused Sandhya Goel wherein the applicant was one of the attesting witness and on the basis of said Will, an agreement was executed between Sandhya Goel and Vijay Singh Kunwar for selling land for a sum of Rs.26,62,50,000/- and Rs.4.5 crores was paid in cash. Said co-accused Smt. Sandhya Goyal is still absconding and she has been declared PO. He has further argued that the first bail application of the accused was dismissed on 21.02.2018 and there is no change of circumstances. It is pertinent to mention that the accused has concealed the said fact and has not mentioned the same in his application. It is, therefore, prayed that present bail application of the accused/applicant be dismissed.

Considering the nature, gravity and seriousness of the offence and the fact that the co-accused is yet to be arrested, the Court finds no reason to grant bail to the petitioner. Accordingly, the petition is dismissed.

At this stage, the learned counsel for the petitioner submits that the petitioner has been behind the bars from 10.03.2016. Out of twenty-two prosecution witnesses, only two witnesses have been examined in the last two years.

The learned counsel for the State assures the Court that earnest endeavours will be made on behalf of the State for completion of recording evidence within a span of two months from the date when the case is next listed before the Trial Court, and a request will be made for expeditious completion of the trial.

NAJMI WAZIRI, J

JULY 20, 2018/RW