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

+ **CRL.M.C. 2746/2018**

ASHOK CHAWLA

..... Petitioner

Represented by: Mr. Prashant Mendiratta and
Mr. Gauravjeet Narwan,
Advocates.

versus

STATE & ORS

..... Respondents

Represented by: Mr. M.S. Oberoi, APP for State
with SI Rahul Soni, PS Greater
Kailash-II.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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21.05.2018

Crl. M.A. No. 9780/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 2746/2018 and Crl. M.A. No. 9779/2018 (Stay)

1. Issue notice.
2. Learned APP accepts notice on behalf of the State.
3. By this petition, the petitioner seeks cancellation of the interim transit anticipatory bail granted to the respondent Nos. 2 to 5 by the learned Additional Sessions Judge vide order dated 10th May, 2018.
4. The grievance of the petitioner is that in the order dated 10th May, 2018, learned Additional Sessions Judge noted that the respondent Nos. 2 to 5 and the petitioner were business associates for the last 35 years which is incorrect, he further states that though notice was given to the Police Station

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Greater Kailash, respondent Nos. 2 to 5 were not residing over there and no verification was done by the police of Greater Kailash Police Station.

5. Order dated 10th May, 2018 reads as under:

“Reply filed.

Ld. Sr.Counsel submitted that FIR No.76/2018, PS Behror, District Alwar, Rajasthan has been registered against the applicants/accused who are having every apprehension of arrest. He further submitted that applicants/accused have been falsely implicated. He further submitted that applicants/accused have been the business associate of the complainant for the last 35 years. He further submitted that interim transit anticipatory bail for 4 weeks be granted to him in order to enable them to seek appropriate relief before the Court concerned.

Ld. Addl. PP for the State submitted that transit bail can be granted to the applicants/ accused but it should not be for a period of 4 weeks.

Heard.

The applicant/accused are wanted in FIR No.76/2018 u/s 406/420 IPC, PS Behror, District Alwar, Rajasthan.

Keeping in view the submission, applicants/accused are granted transit bail for the period of 2 weeks from today to enable them to approach the concerned Court at District Alwar, Rajasthan for appropriate relief on furnishing personal bonds with surety bonds of Rs.50,000/- each to the satisfaction of the Investigating Officer/Arresting Officer/SHO (support in drawn from Smt. Vijay Lata Jain & Ors. Vs. State 2007 SCC Online Delhi 1723).

The application is disposed of.

Order dasti.”

6. From the order itself it is evident that the learned Trial Court gave no finding that the petitioner and respondent Nos. 2 to 5 were business associates. This was the contention of learned counsel for the respondent Nos. 2 to 5, which was noted by the learned ASJ. Further in the present petition also the address of four respondents, that is, respondent Nos. 2 to 5 has been mentioned as W-29, Greater Kailash-I as the same address was mentioned in the bail applications.

7. Once respondent Nos. 2 to 5 namely Sanjiv Bali, Mr. Rajiv Bali, Baldev Dutt Bali, Kavita Bali state that they were residing at this address and there was an apprehension of their arrest, learned trial court committed no error in granting transit anticipatory bail to the respondent Nos. 2 to 5.

8. Further, considering the fact that the interim transit anticipatory bail was granted on 10th May, 2018 for a period of two weeks, to enable the respondent Nos. 2 to 5 to approach the concerned Court at District Alwar, Rajasthan and that out of a period of two weeks, 11 days have already been elapsed, this Court does not find any ground to entertain the present petition.

9. Petition and application are dismissed.

10. Order dasti.

MUKTA GUPTA, J.

MAY 21, 2018

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