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

+ **BAIL APPLN. 1249/2018**

SAVITA BHATIA

..... Petitioner

Through: Mr. Prashant Mehta, Advocate with
Mr. Arun Mahajan, Advocate.

versus

STATE OF GNCT OF DELHI

..... Respondent

Through: Mr. Ashish Dutta, APP for the State
SI Vikram Singh, PS Punjabi Bagh.
Mr. Fanish K. Jain, Advocate for
complainant along with complainant
in person.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **23.07.2018**

CrI.M.A.10321/2018 (exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 1249/2018

The FIR No.685/2016 registered by Police Station Punjabi Bagh under directions of the Metropolitan Magistrate under Section 156(3) of the Code of Criminal Procedure, 1973 (Cr.P.C.) on the complaint and at instance of Mr. Rajesh Sabharwal, statedly involves investigation into offences allegedly committed under Section 406/420/120-B IPC by the petitioner, she being the Director of M/s. Rajasvi Estate and Developers Pvt. Ltd..

It appears that the petitioner had entered into a collaboration agreement with Jasjit Singh and Smt. Satwant Kaur, owners of the property bearing No.29/56, West Punjabi Bagh, New Delhi. In terms of the said collaboration agreement, the petitioner company was to raise construction by developing basement, stilt parking and four stories above. Pursuant to one of the terms and conditions of the said collaboration agreement, one floor, *i.e.*, one at second floor was to fall to the share of the petitioner (builder).

It is further stated that in order to raise finances for the said construction, the petitioner had entered into an agreement to sell the said second floor, in anticipation of completion of the project, in favour of the first informant from whom certain monies were collected from time to time. The project, however, was not completed within the stipulated time, some dispute having been arisen between the petitioner on one hand and the owners of the subject property on the other. It is shown by documents on record that the said dispute is now subject-matter of arbitral proceedings where evidence is being recorded. The further facts include the allegation that the petitioner in spite of having entered into agreement of sale of second floor of the property with the complainant she entered into a loan transaction wherein she mortgaged the said part of the property in favour of the owners of the property, thereby adversely affecting the right, title and interest of the complainant. But then, it is sought to be explained by the petitioner that there was no actual mortgage of the subject property or loan transaction, the documents executed in that regard being restricted to security more with the objective of allaying the apprehension of the owners.

In these facts and circumstances, the dispute essentially is civil in nature. The investigation is likely to take quite some time to conclude. The involvement of the petitioner in similarly placed two other cases ought not come in the way of this court granting protection to her.

Thus, it is directed that in the event of the petitioner being arrested, she shall be released on bail by the arresting officer on furnishing personal bonds in the sum of Rs.50,000/- 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 her release, she 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) She 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;
- (v). She 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 her passport, if she holds one, with the said court; and

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 her by the court of cognizance.

The petition stands disposed of in above terms.

Dasti.

R.K.GAUBA, J.

JULY 23, 2018

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