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

+ **BAIL APPLN. 1634/2018**

DARSHAN SINGH NAMDHARI & ANR Petitioners

Represented by: Mr. A K Padhy &
Mr. S R Padhy, Advs

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Represented by: Mr. Ashok K Gaur, APP
SI Manmeet Singh, PS Ranjit
Nagar

BAIL APPLN. 1635/2018

DARSHAN SINGH NAMDHARI & ANR Petitioners

Represented by: Mr. A K Padhy &
Mr. S R Padhy, Advs

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Represented by: Ms. Meenakshi Chauhan, APP
SI Manmeet Singh, PS Ranjit
Nagar

BAIL APPLN. 1636/2018

DARSHAN SINGH NAMADHARI & ANR Petitioners

Represented by: Mr. A K Padhy &
Mr. S R Padhy, Advs

versus

STATE (GNCT OF DELHI) Respondent

Represented by: Mr. Ashok K Gaur, APP
SI Manmeet Singh, PS Ranjit
Nagar

BAIL APPLNs. 1634-36/2018

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CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
10.09.2018

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By these three petitions the petitioners Darshan Singh Namadhari and Uday Singh seek bail in the following FIRs:-

- a) FIR No.624/2015 under sections 420/460/471/34 IPC;
- b) FIR No.292/2017 under sections 420/34 IPC; &
- c) FIR No.380/2016 under sections 380/457/448/34 IPC

all registered at police station Ranjit Nagar.

FIR No. 624/2015 under sections 420/460/471/34 IPC was registered on the directions of the Metropolitan Magistrate vide order dated 16th July, 2015 on the complaint of M/s. Bharat Buildtech Pvt. Ltd. alleging that Darshan Singh Namdhari along with his two brothers namely Anoop Singh (since deceased) and Uday Singh, (petitioner no.2) represented to them resulting in entering of a Memorandum of Understanding for selling property bearing No.34, South Patel Nagar, Delhi. Agreement to Sell was signed on 13th December, 2012 and the complainant paid a sum of ₹ 82,50,000/- to the petitioners. However, dispute arose between the parties due to payment of ₹3,40,00,000/- paid to M/s Yahoo Exports Pvt. Ltd. with whom the petitioners had earlier entered into an agreement to sell. It was thus evident that having entered into agreement to sell with M/s Yahoo Exports Pvt. Ltd., the petitioners entered into further agreement to sell of the same property with the complainant M/s. Bharat Buildtech Pvt. Ltd.



FIR No.292/2017 under sections 420/34 IPC was registered on the complaint of one Sanjeev Yadav alleging that the petitioners approached him through an acquaintance and claimed to be co-owners of the three storey build up property bearing no.34, South Patel Nagar, New Delhi and wanted to sell the same below the market value as they were in dire need of money. To show their bona fide, the petitioners agreed to hand over vacant physical possession of two rooms situated on the second floor of the property at the time of agreement to sell. Thus, the agreement to sale and purchase was entered into on 12th July, 2016 for a total consideration of ₹15 crores out of which ₹2 crores were paid to the petitioners. However, it was revealed that the petitioners had already entered into an agreement to sell with different parties, namely M/s. Yahoo Exports Pvt. Ltd., Pardeep Singh and Joginder Sharma.

FIR No.380/2016 under sections 380/457/448/34 IPC was registered at instance of complainant Anish Kumar Sharma alleging that the first floor and second floor of the property bearing no.34, South Patel Nagar, New Delhi was in possession of his maternal uncle. However, on 25th August, 2016 he left for two days and the accused persons, i.e., the petitioners herein forcibly occupied the said property by replacing the locks and stole the articles lying therein.

From the complaints as noted above, it is clear that the petitioners indulged in selling the same property to a number of parties, took money from the victims and also trespassed into portions of the property bearing no.34, South Patel Nagar, New Delhi. The petitioners were declared proclaimed offenders whereafter they were arrested.

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Considering the nature of allegations and the conduct of the petitioners being not available at the time of investigation, this Court finds no ground to grant them bail.

Petitions are accordingly dismissed.


MUKTA GUPTA, J.

SEPTEMBER 10, 2018
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