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

+ **BAIL APPLN. 670/2017**

NEPAL SINGH

..... Petitioner

Represented by: **Mr. R.M. Sinha and Mr. P.M. Sinha, Advocates.**

versus

STATE, NCT OF DELHI & ORS.

..... Respondent

Represented by: **Mr. Amit Gupta, APP for the State with SI Sushila, PS Bhalswa Dairy.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

16.02.2018

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1. By this petition, the petitioner seeks anticipatory bail in case FIR No. 132/2015 registered at PS Shakarpur, Delhi for offence punishable under Sections 406/409/420/468/471 IPC.

2. The above noted FIR was registered on the complaint of one S.R. Raghav, a member of the Shiksha Vihar Co-operative Housing Society Limited who stated that the society was registered in the year 1982. As per the FIR the ex. Secretary, that is, the petitioner committed fraud to the tune of crores of rupees. The cost of the Society's land of the Samiti was about ₹350-375 crores. Petitioner purchased 17 bighas of the land in the name of his brother and also in the name of the brother the then President from the money of the Samiti and they further sold the land.

3. After the status report was filed this Court directed the State to file a further status report verifying complete facts. As per the supplementary

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status report the records reveal that the land of the Society was sold in the year 1990 through various Sale Deeds executed by the then Secretary of the Society, that is, the petitioner. The reason for execution of the Sale Deed was that after the formation of the Society in the year 1982 the land was purchased after due permission from Uttar Pradesh Awas Evam Vikas Parishad. In the year 1987 declarations were made considering the group housing societies to be a single entity and a notice was issued under the provision of ZLAR Act by the then Collector, Ghaziabad to all the registered societies of Ghaziabad district fixing the limit of the land of the societies at 12.5 acres. Since the land with the society was about 38 acres, which was purchased from the funds of the Society contributed by its members, the members panicked and some of the members withdrew their membership. The members who withdrew their membership were returned the money and excess land was sold to different people for valid consideration. Sale Deeds in this regard were duly executed. Statements of number of former members of the Society and Office Bearers have been recorded in this regard.

4. During investigation it was further revealed that the present Secretary of the Society was one Shri D.P. Singh and S.R. Raghav, the complainant in the present petition was never authorised by the Society to file the complaint as he himself was not a member of the Society.

5. Be that as it may, since the excess land in question was sold due to the change of the policy and pursuant to a decision taken by the Committee comprising of its office bearers, this Court deems it fit to grant anticipatory bail to the petitioner.

6. It is, therefore, directed that in the event of arrest the petitioner be released on bail on his furnishing a personal bond in the sum of ₹50,000 with one surety bond of the like amount to the satisfaction of arresting officer/SHO concerned, further subject to the condition that he will join the investigation as and when directed by the Investigating Officer and will not leave the country without the prior permission of the Court concerned and in case of change of residential address the same will be intimated to the Court concerned by way of an affidavit.

7. Petition is disposed of.

8. Order dasti.

Crl.M.A. No. 11714/2017 and Crl.M.B. No. 671/2017

Applications are dismissed as infructuous.

MUKTA GUPTA, J.

FEBRUARY 16, 2018
‘yo’