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

% Judgment delivered on: 28.11.2018
+ BAIL APPLN. 2003/2018

YASH PAL

..... Petitioner

versus

STATE (NCT OF DELHI)

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Ms.Sangeeta Jain, Adv.

For the Respondent: Mr. Hirein Sharma, APP for the State with SI
Kuldeep Bhati, P.S.Gazipur
Mr.Rajat Wadhwa, Adv. for the complainant.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

28.11.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No. 262/2017 under Section 420/120B Police Station Ghazipur, East Delhi.
2. Allegations are that the petitioner had entered into a collaboration agreement with a third party and thereafter had sought to transfer two flats, one of which was to be transferred to the complainant for a total consideration of Rs.32 lakhs. It is alleged that a sum of Rs.28 lakhs has been paid. The petitioner is alleged to have failed to execute the documents of transfer or title or to deliver

physical possession and complainant thereafter filed a suit for specific performance wherein it is alleged that the collaboration agreement has been cancelled.

3. Learned counsel appearing for the petitioner submits that petitioner has been falsely implicated. She submits that there was never any agreement to sell in favour of the complainant nor did the petitioner receive any money from the complainant and no document evidencing transfer of consideration has been produced. Learned counsel submits that money was received from the father of the complainant who was financier in the collaboration agreement and he along with other financiers had paid a total sum of Rs.3 lakhs and failed to pay the balance amount which they had promised to finance.

4. Learned counsel submits that the complainant has sought to give a civil dispute the colour of a criminal complaint.

5. Petitioner was granted interim protection by order dated 25.09.2018, subject to joining investigation.

6. Learned APP under instructions submits that the petitioner did join investigation as and when required by the IO.

7. Without commenting on the merits of the case, and on perusal of the records, I am satisfied that the petitioner has made out a case for grant of anticipatory bail.

8. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail on his furnishing a bail bond in the sum of Rs. 15,000/- with one surety of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned. Petitioner shall not do anything that may prejudice either the trial or the prosecution witnesses.

9. The petition is disposed of in the above terms.

10. Order *Dasti* under signatures of the Court Master.

NOVEMBER 28, 2018

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SANJEEV SACHDEVA, J

भारतमेव जयते