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

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Judgment delivered on:23.10.2018

+ BAIL APPLN. 2045/2018

ASHOK KUMAR

..... Petitioner

versus

STATE OF NCT OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr.Ramesh Gupta, Sr. Advocate with Mr.Ajay P.Tushir, Adv., Advocate.

For the Respondent : Ms.Meenakshi Dahiya, APP with SI Raghuvendra Singh, DIU/NE, Delhi. Mr.Rajat Aneja, Adv. for the complainant.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT
23.10.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No.206/2016 under Section 420/468/471/120B/34 of the Indian Penal Code, 1860, P.S.Sonia Vihar.

2. Allegations in the FIR are that the complainant was approached by the petitioner and another co-accused for the purposes of sale of a particular piece of land, in which the co-accused claimed to have rights based on an agreement to sell with the original owner.

3. The deal was struck for Rs. 1,70,00,000/- out of which Rs. 34,00,000/- were paid in cash to the co-accused. It is alleged that petitioner was present at the time when the money was handed over and was instrumental in the striking of the deal. Subsequently it transpired that the co-accused did not have rights in the property and the document, photocopy of which was alleged to have been shown at the time of the transaction entered into, was a forged document.

4. Learned APP submits that the petitioner has adopted similar modus operandi in two other cases and two other FIRs of identical nature are registered against the petitioner.

5. Learned APP under instructions from the IO submits that the original of the document, which is alleged to have been shown to the complainant and executed by the original owner in favour of the co accused, has not been furnished to the IO and as such could not be sent for forensic examination and no opinion can be expressed on the genuineness or otherwise of said document.

6. Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that even as per the averments in the FIR no money has been paid to the petitioner and petitioner is even not shown to be a witness to the alleged document executed by the co accused in favour of the complainant. He further submits that the petitioner has already been granted bail in two other cases wherein also the petitioner was falsely implicated.

7. Investigation is complete, charge sheet has already been filed.
8. Learned counsel for the petitioner submits that the Petitioner has been in judicial custody since 10.02.2016. Subject FIR was registered on 07.06.2016 and technically the petitioner should have been taken in formal custody in this FIR also, however, the petitioner was formally taken in custody in this FIR on 13.01.2017 and calculated from 13.01.2017 petitioner has already served incarceration for over one year and nine months.
9. Keeping in view the totality of facts and circumstances and without commenting on the merits of the case, I am of the view that petitioner has made out a case for grant of regular bail.
10. Accordingly, on petitioner furnishing a bail bond in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of the Trial Court, petitioner shall be released on bail if not required in any other case. Petitioner shall not do anything which may prejudice the trial or the prosecution witness. Petitioner shall not leave the country without permission of the Trial Court.
11. Petition is disposed of in the above terms.
12. Order dasti under the signature of the Court Master.

OCTOBER 23, 2018/st

SANJEEV SACHDEVA, J