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

+ **BAIL APPLN. 1810/2017**

SMT HARPREET KAUR

..... Petitioner

Represented by: Mr. Sandeep Kapur, Mr. Rajat
Soni and Mr. Gudipati G.
Kashyap, Advocates.

versus

STATE

..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP
for the State with SI Ajay
Kumar, PS Kirti Nagar.
Mr. Manjeet Singh Bhamra and
Ms. Nidhi Gupta, Advocates
for complainant with
complainant in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

08.02.2018

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By this petition, the petitioner seeks regular bail in case FIR No. 213/2017 under Sections 420/34 IPC registered at PS Kirti Nagar on the complaint of Shashi Bhushan Malik. In the complaint of Shashi Bhushan Malik alleged that the petitioner, her husband and son approached him through a property dealer with Yashpal Sadana and Satish Nayyar and expressed their intention of selling the property bearing No. B-21 (2nd Floor with roof rights), Kirti Nagar, New Delhi-110015 (admeasuring about 333.33 sq. yds). They represented that the petitioner is the sole and absolute

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owner of the property and showed photocopies of the registered Sale Deed. It is the case of the complainant that they were represented that the property was free from all sorts of encumbrances hence after negotiations the sale consideration was settled at ₹ 2,71,00,000/- and an agreement to sell was executed between the complainant and the petitioner on 7th September, 2013. Complainant paid a sum of ₹ 50 lakhs as earnest money and the time for further contractual obligations was fixed for four months so that the sale deed could be executed. It is the case of the complainant that a further payment of ₹ 56 lakhs was made to petitioner and her husband however the Sale Deed was not executed. According to the complainant he paid a sum of ₹ 55 lakhs by cheque and ₹ 51 lakhs by cash. Later the complainant came to know that the property had already been mortgaged with M/s India Bulls Housing Finance Limited.

Investigation has revealed that the loan account of the petitioner with M/s India Bulls Finance Housing Limited has been transferred to the subsequent purchasers of the property Kusum Nagpal, Sherin Nagpal and Zubin Nagpal. The petitioner had been in custody for one month 18 days when the present petition came up before this Court on 18th September, 2017. On 18th September, 2017 this Court noted the submission of learned counsel for the petitioner that to show her bona fides she was willing to pay ₹5 lakhs within 48 hours and a further amount of ₹5 lakh would be paid within a period of 10 days so as to enable her to arrange funds for discharge of loan liability.

A sum of ₹10 lakhs has already been paid by the complainant which fact has not been disputed. The petitioner has handed over a further cheque

of ₹5 lakhs dated 7th March, 2018 to the complainant, who is present in court and is identified by the Investigating Officer. Petitioner assures that the cheque will be duly honoured.

Considering the fact that the petitioner has been in custody for nearly 48 days, charge sheet has since been filed and out of the amount paid by the complainant part payment of ₹10 lakhs and a cheque of ₹5 lakhs has already been paid by the petitioner to the complainant, this court deems it fit to grant regular bail to the petitioner. The order dated 18th September, 2017 releasing the petitioner on bail on her furnishing a personal bond in the sum of ₹5,000/- with two sureties of the like amount to the satisfaction of learned trial court is confirmed with a further condition that the petitioner will not leave the country without a prior permission of Court concerned and in case of change of address the same will be duly intimated to the learned trial court by way of an affidavit.

Petition is disposed of.

Order dasti.

MUKTA GUPTA, J.

FEBRUARY 08, 2018
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