

\$~8

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CRL.M.C. 5116/2015

M/S CAPITAL FIRST LTD

..... Petitioner

Through: Mr. Gurpreet Singh, Adv.

versus

STATE & ANR

..... Respondents

Through: Mr. Amit Ahlawat, APP with SI Ravi
Kumar, P.S. Mianwali Nagar.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

%

10.08.2018

The name of the second respondent Rakesh Singh figured in the course of investigation into FIR No. 224/2013 of Police Station Mianwali Nagar for the offences punishable under Section 468/471/420/120B/34 IPC, the petitioner herein claiming to be the victim of the said offences. The presence of the second respondent could not be secured during investigation and this led to proceedings under Section 82 and 83 of Cr.P.C. being initiated against him.

Against this backdrop, he had approached this Court by Bail Application No. 2020/2014 seeking anticipatory bail. The learned Single Judge of this Court heard the matter and after taking into consideration the background facts alleged in the case and the status of the investigation, allowed the prayer directing the second respondent to be released on bail in the event of he being arrested subject to certain conditions including joining investigation.

The present petition was filed on 15.12.2015 by the petitioner seeking cancellation of the said anticipatory bail order, *inter alia*, on the ground that the investigating agency was not carrying out proper probe, the petitioner being the real victim having been defrauded by the second respondent, forged and fabricated title deeds of the property having been created in order to cheat. The petition seeking cancellation of the anticipatory bail has remained pending for more than 2½ years now. In the meanwhile, investigation has been completed and a charge-sheet already submitted in the court of Metropolitan Magistrate of which cognizance has also been taken. If there is any deficiency in the investigation, the petitioner will have to pursue the appropriate remedies. There are no good reasons to disturb the anticipatory bail order.

Having regard to the status of the case before the trial court, it would not be proper for this Court to express any opinion as to the complicity of the petitioner in the acts of commission and omission constituting the crimes which are alleged. The charge-sheet having been submitted, even otherwise the anticipatory bail order would have served its purpose. The petition, therefore, does not call for any directions. The same is disposed of.

R.K.GAUBA, J

AUGUST 10, 2018

srb

CRL.M.C. 5116/2015

Page 2 of 2