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

+ **BAIL APPLN. 2776/2019**

AVTAR SINGH BAGGA

..... Petitioner

Through Mr Puneet Mittal, Senior Advocate with
Mr vibhor Bagga, Mr Rupendra Pratap Singh,
Mr Vasudha Bajaj, Mr A. Gupta, Ms Isha Dogra,
Advocates.

versus

GOVT. OF NCT, DELHI

..... Respondent

Through Ms Kusum Dhalla, APP for State.
Mr Fanish Jain, Advocate with
Mr Dupanshu Garg, Advocate for complainant
with complainant
ASI Rajender Kumar, P.S. Paschim Vihar
West.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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06.11.2019

CRL.M.A. 39758/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The petitioner has filed the present petition seeking anticipatory bail in connection with FIR No. 0193/2017 under Sections 420/406/34 IPC registered with Police Station Mianwali Nagar [now Paschim Vihar (West)], Delhi.

4. The said FIR was registered at the instance of one Sh Arjun Kansal. He had alleged that the petitioner's son and the petitioner had cheated him by entering into a transaction for sale of a property and inducing him to part with ₹2 crores as part consideration thereof, by making a false representation that the said property was free from encumbrances. He subsequently discovered that the property in question (M-125, Guru Harkishan Nagar, Paschim Vihar, New Delhi) was already mortgaged to a bank.

5. The said property was in the name of the petitioner's son, however, the petitioner had also signed the agreement in question. The complainant also alleges that both, the petitioner and his son, had made false representations.

6. Initially, an order was passed directing that no coercive steps be taken in view of a statement made by the petitioner's son that he shall settle the matter with the complainant. It was subsequently stated that a compromise had arrived at between the petitioner's son and the complainant, whereby the petitioner's son had agreed to pay a sum of ₹2,31,00,000/- in full and final settlement of the complainant's claim. Apparently, the said settlement was not honoured and the anticipatory bail granted to the petitioner's son was cancelled. This Court is now informed that he has also been arrested.

7. The petitioner is of an advanced age of 81 years. The petitioner also contends that he had no right or interest in the property, which was agreed to be sold to the complainant and he had signed the agreement merely in capacity of being a family member of the seller, that is, his son. It is also stated that the agreement was not witnessed by the petitioner but was witnessed by two independent witnesses (property dealers).

8. At this stage, it is not necessary for this Court to examine the role played by the petitioner. Considering the fact that the petitioner is of an advanced age and currently there is no material to indicate that any amount had been appropriated by the petitioner, this Court considers it apposite to allow the present petition. The petitioner is granted anticipatory bail, subject to his furnishing a personal bond in the sum of ₹50,000/- with one surety of the equivalent amount to the satisfaction of the Investigating Officer. This order shall inure to the benefit to the petitioner till a chargesheet is filed. The petitioner shall fully cooperate with the IO and not leave the National Capital Territory of Delhi without informing him.

9. The petition is allowed in the aforesaid terms.

10. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

NOVEMBER 06, 2019

pkv