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

\+ BAIL APPLN. 485/2019

SATPAL SINGH TOMAR ..... Petitioner

Through Mr. Gaurav Kochar and Mr. Dollar Singh, Advocates.

versus

THE STATE (NCT OF DELHI) ..... Respondent

Through Mr. Tarang Srivastava, APP for State.

CORAM:
HON'BLE MR. JUSTICE BRIJESH SETHI

<u>O R D E R</u>

% **17.09.2019**

Vide this application, I shall dispose of the present application filed under section 438 Cr.P.C. by the applicant Satpal Singh Tomar for grant of anticipatory bail in FIR No. 369/2018, under Section 420/34 IPC, PS Khajuri Khas.

Ld. Counsel for the applicant has prayed for anticipatory bail on the ground that applicant is innocent and falsely implicated in the case. There is a delay of two years in lodging of the FIR and the role of the applicant is similar with that of co-accused Lalit Tomar who has already been granted interim protection by this court vide order dated 23.01.2019 till 04.04.2019. It is further submitted that alleged amount of cheque was not handed over by the complainant to the applicant.

The charge-sheet in this case has already been filed and no useful purpose would be served by arrest of the applicant. It is further submitted that keeping in mind the age of the petitioner and the fact that he is a retired government servant, he be released on anticipatory bail in the event of his arrest.

Ld. APP for the State has opposed the bail application and submitted that the FIR was registered on the complaint of one Harish Malkoti who had stated that he had come in contact with one Vinit Tomar who had assured him that if he invests in the property, the same will be doubled in two years. He had, therefore, given an amount of Rs. 2 lacs to him. The complainant has alleged that he was induced to invest the amount and he has invested his hard earned money and cheated by the petitioner. Number of other persons have also complained that they have been cheated by the petitioner Satpal Singh Tomar and other co-accuseds. The total cheated amount is alleged to be of Rs. 1,81,92,000/-. Co-Accused Amit Tomar and Vinit Tomar have been arrested. Accused Vinit Tomar was granted bail only on the ground that charge-sheet was not filed despite expiry of 60 days. Ld. APP for the State has further opposed the bail application on the ground that victim had invested money on the assurance given by the petitioner Satpal Singh Tomar. One of the victim Ms. Mamta Aggarwal has alleged that she was cheated by Satpal Singh Tomar and his son namely Vinit Tomar to the tune of Rs. 42 lacs and when she had gone to Karkardooma Courts for *parvi* of her case, the petitioner Satpal Singh Tomar had threatened her with dire consequences and an NCR no. 0048/18 dated1.10.2018 under Section 323/506 IPC was lodged at PS Farash Bazar. It is further submitted that cheated amount is yet to be recovered and, therefore, anticipatory bail application of the applicant be dismissed.

I have considered the rival submissions. There are allegations of cheating against the applicant as well as other co-accused persons. The victims have invested the money on the assurance of petitioner Satpal Singh Tomar who is a retired Government servant and, thus, trusting his reputation and on his assurance, the investment was made by the victims. The total cheated amount is Rs. 1,81,92,000/-. There are allegations that one of the victim Ms. Mamta Aggarwal has been threatened by the petitioner. Keeping in view the fact that amount was given by the victims at the assurance of the petitioner and further keeping in mind the fact that cheated amount is yet to be recovered, no grounds for anticipatory bail are made out. The anticipatory bail application is, therefore, dismissed.

BRIJESH SETHI, J

SEPTEMBER 17, 2019

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