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

+ **BAIL APPLN. 2437/2019**

SUNIL SINGH

..... Petitioner

Through

versus

STATE

..... Respondent

Through: Ms Kusum Dhalla, APP for State.  
SI Dhananjay Dubey, PS Anand  
Vihar.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**13.11.2019**

**CRL.M.A. 38626/2019**

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

**BAIL APPLN. 2437/2019 & CRL.M.A. 38625/2019 (stay)**

3. The petitioner has filed the present petition, *inter alia*, seeking anticipatory bail in respect of FIR No. 59/2019, under Sections 406/420/468/471/34 of the IPC, registered with Police Station, Anand Vihar. The allegation against the petitioner is that he had sold the property of the complainant company (M/s Proview Infracon Pvt. Ltd.), without any authorisation, to M/s Radhika Green Homes Pvt. Ltd.
4. According to the petitioner, the property in question (piece of land / property 0.1687 hectare situated at Khata No. 245, Khasra No. 918, Village Tilapta Karanwas, Pargana and Tehsil Dadri, District Gautam Budh Nagar,

Uttar Pradesh) was purchased by M/s Royal Biotech Pvt. Ltd. The petitioner claims that all the funds for purchase of the said property were paid by him and his brother. Thereafter M/s Royal Biotech Pvt. Ltd. sold the property in question to the complainant (M/s Proview Infracon Pvt. Ltd.). Admittedly, the said sale is by way of a registered sale deed. The sale deed records that M/s Proview Infracon Pvt. Ltd. had paid the consideration in cash to M/s Royal Biotech Pvt. Ltd. Notwithstanding the same, the petitioner claims that no money was paid for the said transaction and, therefore, an arrangement was arrived at, whereby the petitioner was authorised to sell the property to a third party and receive the funds. The said original authorisation is not on record.

5. The status report has been filed wherein it is stated that to unearth all the facts, sustained custodial interrogation of the accused is required.

6. There is no dispute that extensive investigation is yet to be conducted in this case. The petitioner states that the entire payment alleged to have been made by M/s Proview Infracon Pvt. Ltd. for purchase of the property in question, is shown to have been paid in cash. The petitioner alleges that no such consideration was paid. This fact also requires to be investigated. This Court is also informed that M/s Radhika Green Homes Pvt. Ltd. had after entering into the transaction with the petitioner, constructed over 150 flats on the land in question. The question whether the complainant was aware of the same at the material time is also one of the facets that requires to be investigated.

7. At this stage, Mr Gupta, learned senior counsel appearing for the

petitioner, on instructions, states that the petitioner is willing to deposit the entire amount of ₹34 lakhs collected by him as sale consideration for sale of the property from M/s Radhika Green Homes Pvt. Ltd.

8. Considering the above, this Court considers it apposite to grant the anticipatory bail subject to the petitioner furnishing a Bail Bond in the sum of ₹1 lakh and two sureties of the like amount to the satisfaction of the IO. This is also subject to the petitioner joining the investigation and cooperating with the IO. The petitioner shall also appear before the IO as and when required and furnish all information as is available with him.

9. This order is also subject to the petitioner depositing a sum of ₹34 lakhs with the Registry of this Court as volunteered by the petitioner, within a period of two weeks from today. The amounts so deposited shall be subject to any orders that may be passed by any court.

10. The petitioner shall not leave this country without the permission of this court/trial court as the case may be. It is also clarified that this order shall continue till filing of the charge sheet.

11. It is clarified that in the event, any of the conditions are not complied with, the IO is at liberty to apply for cancellation of the above order.

12. Order *dasti* under signatures of the Court Master.

**VIBHU BAKHRU, J**

**NOVEMBER 13, 2019**  
**MK/RK**