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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1846/2018**

DEEPAK BUDHIRAJA Petitioner
Through: **Mr. Ashish Singh & Mr. Nikhil**
Mehendiratta, Advs.
versus

THE STATE OF G.N.C.T. OF DELHI Respondent
Through: **Mr. K.S. Ahuja, APP for the State**
with Insp. Ram Manohar, PS Narela.
Mr. Atul Buchar & Mr. Hariom,
Advs. for complainant.

+ **BAIL APPLN. 1847/2018**

KRISHAN MOHAN Petitioner
Through: **Mr. Ashish Singh & Mr. Nikhil**
Mehendiratta, Advs.
versus

THE STATE OF G.N.C.T. OF DELHI Respondent
Through: **Mr. K.S. Ahuja, APP for the State**
with Insp. Ram Manohar, PS Narela.
Mr. Atul Buchar & Mr. Hariom,
Advs. for complainant.

+ **BAIL APPLN. 1848/2018**

SAMPANN KHURANA Petitioner
Through: **Mr. Ashish Singh & Mr. Nikhil**
Mehendiratta, Advs.
versus

THE STATE OF G.N.C.T. OF DELHI Respondent
Through: **Mr. K.S. Ahuja, APP for the State**
with Insp. Ram Manohar, PS Narela.
Mr. Atul Buchar & Mr. Hariom,
Advs. for complainant.

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+ BAIL APPLN. 1849/2018

ANIL KHURANA

..... Petitioner

Through: Mr. Ashish Singh & Mr. Nikhil
Mehendiratta, Advs.

versus

THE STATE OF G.N.C.T. OF DELHI

..... Respondent

Through: Mr. K.S. Ahuja, APP for the State
with Insp. Ram Manohar, PS Narela.
Mr. Atul Buchar & Mr. Hariom,
Advs. for complainant.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

%

15.01.2019

Allegations have been made against these four petitioners in FIR no. 406/2018 of police station Narela on 06.06.2018 for offences punishable under Sections 420/406/34 IPC, the same having arisen out of certain contracts earlier entered upon between the complainant on one hand and the company described as M/s A.K. M. Foods Pvt. Ltd. with which the petitioners are associated. Interim protection was granted by order dated 06.08.2018 with directions that the petitioners shall join and cooperate with the investigative process.

On 01.11.2018, the possibility of some amicable resolution of the dispute, which also has some element of civil nature, arose and the following order was recorded:-

"Further status report has been filed which is taken on record.

Heard for some time. During the course of hearing, the learned

BAIL APPLN. 1846/2018 & conn.

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senior counsel appearing for the petitioner, on instructions, submitted that the parties may be referred to the process of mediation so that possibility of amicable resolution can be explored, the petitioners at the same time, submitting their readiness and willingness, jointly and severally, in order to show their bona fide, offering to deposit an amount of Rs. 32 lakhs in the form of fixed deposit receipt taken out from a nationalised bank, with provision for auto renewal, with the investigating officer while the parties go through the process of mediation. The learned senior counsel for the petitioner also submitted that since the bank account of M/s AKM Foods Pvt. Ltd., maintained as account no.2045201011946, with Canara Bank, Kaithal Branch was frozen, the account will have to be de-frozen for facilitating such deposit to be made, the petitioners further undertaking that in case there is any shortfall in the credit balance in the said account, for the purposes of abiding by the undertaking of such amount to be deposited as mentioned above, they would make the deposit of the requisite balance amount and after the fixed deposit receipt has been taken out for above-mentioned purposes, the bank account may be again treated as frozen till further directions. The petitioners undertake that aside from the transaction mentioned above, they would not make any other transaction from the said bank account till further orders.

The learned senior counsel for the complainant, on instructions, submits no objection to the above arrangement to be put in position.

The parties shall appear before Delhi High Court Mediation and Conciliation Centre at 3.30 p.m. on 19th November, 2018.

The interim order shall continue subject to strict compliance with the above-mentioned undertaking within two weeks hereof, the investigating officer assuring that he would send the requisite communication to the concerned bank positively within three days from today.

Be listed on 15th January, 2019.

Dasti under the signatures of Court Master".

In the process of mediation, the parties have been able to reach an

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amicable settlement which was formalised and executed on 28.11.2018. The learned counsel appearing for the complainant firm submits that the terms of the said settlement agreement dated 28.11.2018 have been abided by and, thus, the complainant has no objection to the protection of anticipatory bail being granted to the petitioners.

The learned additional public prosecutor has submitted status report which confirms the above-mentioned settlement and the compliances made in its wake by the petitioners and the company which they represent. He leaves the matter to the discretion of the court.

In above facts and circumstance, the applications are allowed. Thus, it is directed that in the event of the petitioners being arrested, they shall be released on bail by the arresting officer on furnishing personal bond in the sum of Rs.50,000/- each with one surety in the like amount subject to the following further conditions:-

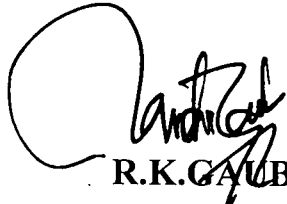
- (i) The petitioners shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioners shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) Prior to their release, they shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer; and
- (iv) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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This order will inure only till the date of first appearance of the petitioners in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against them by the court of cognizance.

The petitions stand disposed of in above terms.

Dasti.


R.K. GAUBA, J

JANUARY 15, 2019

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