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

% Judgment delivered on: 31.01.2019

+ BAIL APPLN. 2750/2018

AJAY CHAKERVERTY Petitioner

versus

STATE NCT OF DELHI Respondent

+ BAIL APPLN. 2751/2018

SANJAY CHAKERVERTY Petitioner

versus

STATE NCT OF DELHI Respondent

+ BAIL APPLN. 2752/2018

VED PRAKASH Petitioner

versus

STATE NCT OF DELHI Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Mohit Mathur, Sr. Advocate with
Ms. Manisha Parmar and Ms. Siddhi
Mittal, Advocates.

For the Respondent : Mr. Hirein Sharma, APP for the State.
SI Manish Tyagi, PS Gandhi Nagar.
Mr. Kirti Uppal, Sr. Advocate with
Advocates for the complainant.

CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.2270/2019 (for impleadment) in BAIL APPLN. 2750/2018; Crl.M.A.2269/2019 (for impleadment) in BAIL APPLN. 2751/2018; Crl.M.A.2268/2019 (for impleadment) in BAIL APPLN. 2752/2018

1. These are the applications on behalf of the complainant, who seeks to intervene and make submissions.
2. For the reasons stated in the applications, the applications are allowed.

BAIL APPLN. 2750/2018 & Crl.M.(Bail) 1800/2018 (for interim bail), BAIL APPLN. 2751/2018 & Crl.M.(Bail) 1801/2018 (for interim bail), BAIL APPLN. 2752/2018 & Crl.M.(Bail) 1802/2018 (for interim bail)

1. Petitioners seek anticipatory bail in FIR No.143/2018 under Sections 420/34 IPC, Police Station Gandhi Nagar.
2. The allegations in the FIR are that the complainant was introduced to one Sunil Chakerverty by the petitioners, who are his family members.
3. The complainant was informed that the co-accused Sunil Chakerverty was constructing a building in collaboration with a third party. He agreed to sell a portion of the building to the complainant,

and he had received a sum of Rs.25 lakhs i.e. Rs.5 lakhs by cheque and Rs.20 lakhs by cash and executed the Agreement to Sell dated 14.01.2016. Subsequently, it transpired that the property was already sold by him and he did not have any interest in the property when the Agreement to Sell was executed.

4. It is alleged that the petitioners had introduced the complainant to Sunil Chakerverty and were present at the time when the payment was made to him.

5. Learned senior counsel for the petitioner submits that the petitioners have been falsely implicated. He submits that, no doubt, they are related to Sunil Chakerverty and he was constructing a building in collaboration, however, petitioners have no concern with the business activities carried out by Sunil Chakerverty. He further submits that apart from the oral submission of the complainant that they were present at the time when the money was paid, there is nothing to show that they, in fact, were present and they have not even witnessed the documents. It is contended that the FIR has been registered on a complaint lodged with an unexplained delay of 2 years.

6. Learned senior counsel for the petitioners further submits that a bare reading of the FIR shows that a civil-commercial dispute is given flavour of a criminal complaint.

7. Petitioners were granted interim protection by order dated

22.11.2018 subject to joining investigation.

8. Learned APP for the State, under instructions, submits that the petitioners have joined investigation and the investigation is concluded and chargesheet is in the process of being finalised for being filed in Court.

9. Without commenting on the merits of the case and keeping in view of the totality of the facts and circumstances of the case and on perusal of the record, I am of satisfied that the petitioners have made out a case for grant of anticipatory bail.

10. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioners on bail on petitioners furnishing a bail bond in the sum of Rs. 25,000/- each with one surety each of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned. Petitioners shall not do anything that may prejudice the investigation, trial or the prosecution witnesses.

11. Petition is disposed of in the above terms.

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

SANJEEV SACHDEVA, J

JANUARY 31, 2019
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