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

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Judgment delivered on: 16.05.2019

+ BAIL APPLN. 2866/2018

SH. PRIYANK GUPTA

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Ms. Shobha Gupta, Mr. Saurav Seth, Advocates.

For the Respondent: Ms. Kusum Dhalla, APP for the State with ASI
Prakash Vir, PS Rajinder Nagar.

Mr. Rajindra Vats, Adv. for complainant

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No. 175/2018 under Section 420 of the Indian Penal Code, 1860, registered at Police Station Rajinder Nagar.

2. The allegations against the petitioner are that the petitioner had represented that he was owner of a property and accordingly approached the complainant for sale of the property for a total sale consideration of Rs. 50 lakhs. It is alleged that the complainant had paid Rs. 41 lakhs for the said transaction however, subsequently it

transpired that the petitioner did not have any share in the said property.

3. There is a dispute as to whether Rs. 26 Lakhs was paid or Rs 41 Lakhs was paid. Learned counsel for the petitioner submits that the respondent has alleged that only Rs. 26 lakhs was paid. Learned counsel for the respondent/complainant disputes that only Rs. 26 lakhs was paid. He submits that the receipt was executed for Rs. 41 lakhs. Said receipt is disputed by the petitioner.

4. Parties were referred to mediation. By order dated 05.12.2018, the petitioner was granted interim protection subject to depositing of Rs. 26 lakhs.

5. Petitioner thereafter paid a sum of Rs. 17 lakhs to the respondent to show his bonafides and deposited Rs. 9 lakhs with the trial court.

6. Learned Addl. PP submits that the petitioner had joined investigation whenever was so required by the Investigating Officer.

7. Without commenting on the merits of the case and keeping in view of the totality of the facts and circumstances, I am satisfied that the petitioner has made out a case for grant of anticipatory bail.

8. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail on

petitioner furnishing a bail bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned. Petitioner shall not do anything that may prejudice either the trial or the prosecution witnesses. Petitioner shall continue to join investigation as and when so required by the IO.

9. It is clarified that the amount of Rs. 17 lakhs paid by the petitioner to the respondent during these proceeding and the amount of Rs. 9 lakhs deposited by the petitioner with the trial court, shall be subject to further orders to be passed by the trial court at the conclusion of the trial.

10. The petition is allowed in the above terms.

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

MAY 16, 2019
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SANJEEV SACHDEVA, J