

\$~4

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

+ **BAIL APPL. 994/2020**

NAKUL AHLUWALIA Petitioner

Through: Mr. Abhimanyu Dhawan and
Mr. Rohit Malhotra, Advocates

versus

STATE Respondent

Through: Dr. M.P. Singh, Advocate
Mr. Amit Sharma and Mr. Vikram
Singh Jakhar, Advocates for
complainant

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

% 27.05.2020

1. The present bail application has been filed seeking anticipatory bail in FIR No.140/2019 registered under Sections 420/34 IPC at P.S. South Campus, Delhi.
2. Learned counsel for the petitioner submits that the present application has been filed in view of the fact that the charge-sheet now stands filed and the petitioner is seeking release on account of the opinion of the handwriting expert taken from a private forensic institute namely, Premier Forensic Science Institute dated 12.05.2020. In addition, learned counsel has also relied on the present situation on account of COVID-19 prevalent in the country.

3. Learned APP for the State, duly assisted by Mr. Amit Sharma, learned counsel for the complainant, has referred to the order dated 14.02.2020 passed by this court in BAIL APPLN. 145/2020 whereby the petitioner's bail application was dismissed on merits. He has referred in detail to the contentions raised at the time of arguing the aforesaid application.

4. It has also been brought to the knowledge of the Court that after the dismissal of the aforesaid bail application, the petitioner had moved an application for anticipatory bail before the Sessions Court wherein besides raising the grounds on the merits of the case, the additional ground of COVID-19 was also raised. The said application came to be dismissed as withdrawn vide order dated 04.05.2020. Thereafter, the petitioner approached the learned Metropolitan Magistrate seeking stay of the proceedings initiated under Section 82 Cr.P.C against him.

5. Dr. M.P. Singh, learned APP for the State, on instructions, submits that the petitioner has not joined investigation so far and has been evading the process.

6. In the opinion of this court, learned counsel for the petitioner has not been able to show any additional circumstance in favour of the petitioner. The opinion taken from a private handwriting expert is not of much consequence at this stage as the petitioner has neither joined investigation nor submitted his signatures to the I.O. Even otherwise, the order dated 14.02.2020 passed by this court dealt in detail with the aspect of collaboration agreement. It was noted that the collaboration agreement was challenged by the father of the applicant in Civil Suit bearing C.S. SCJ No. 1551/2019, in which the

factum of execution of collaboration agreement is admitted. Further, the presence of the applicant is admitted.

7. The applicant has not placed any medical document in support of the pleading related to COVID-19.

8. In view of the above, I do not see any fresh ground to admit the present bail application. The same is dismissed.

MANOJ KUMAR OHRI, J

MAY 27, 2020

na