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

+ **BAIL APPLN. 1156/2020**

**ANIL KUMAR SINGLA & ANR**

..... Petitioners

Through: Mr Sudhir Naagar, Advocate.  
Petitioner no.1 in person.

versus

**STATE**

..... Respondent

Through: Mr Amit Gupta, APP for State.  
Mr Karan Singh, Advocate for  
complainant.  
Mr Rajesh Kumar, complainant in  
person.

**CORAM:**

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

**ORDER**

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**20.07.2020**

**[Hearing held through video conferencing]**

1. This is an application seeking anticipatory bail in connection with FIR No.02/2020 under Sections 406/420/506/34 of the IPC registered with PS Narela.
2. The said FIR was registered at the instance of respondent no.2 (hereafter 'complainant'). He alleges that he had supplied paddy worth approximately ₹15 crores to the petitioners prior to 2015, but they had failed to pay the entire consideration; and, a balance amount of ₹1,52,12,503/- remains outstanding. The said purchases were made by the petitioners in the name of M/s Tara Chand Rice Mills, a company in which they were

directors.

3. The petitioners state that the said company is unable to pay its debts and proceedings under the Insolvency and Bankruptcy Code, 2016 are pending before the National Company Law Tribunal.

4. It is apparent from the contentions advanced by the petitioners that there is no dispute that a sum of ₹1,52,12,503/- is owed to the complainant by M/s Tara Chand Rice Mills. However, it is their case that the said company is not in a position to repay his debts.

5. In the aforesaid context, the complainant had also made allegations that the petitioners had siphoned off funds from the company in order to avoid their debts and defeat the claim of their creditors.

6. The petitioners have responded to certain queries put by the investigating officer but it appears that they are yet to provide the entire information as sought.

7. This Court was informed that in the meantime the complainant had resolved all his disputes with the petitioners. However, during the previous hearings, it was contended that the complainant was pressurised to settle the matter as an FIR alleging that the complainant had created a nuisance at the wedding of one of the petitioner's daughter, was registered. The settlement deed also did not inspire any confidence as it appeared to be without consideration.

8. In view of the aforesaid, this Court had directed the complainant to join the proceedings.

9. The complainant has joined the proceedings and confirms that he has settled his disputes with the petitioners without any pressure or duress. This Court has interacted with the complainant and is satisfied that he had

decided to withdraw his complaint against the petitioners, as according to his information, the petitioners do not have the necessary funds to pay his debts. The complainant also stated in unambiguous terms that he has taken the decision to withdraw the complaint against the petitioners notwithstanding the outcome of the FIR filed against him.

10. Considering the above, this Court is of the view that the present petition is liable to be allowed. The petitioners are granted anticipatory bail on their furnishing a Personal Bond in the sum of ₹25,000/- and one surety bond each of an equivalent amount to the satisfaction of the concerned IO/SHO. This is also subject to the condition that the petitioners shall appear before the IO as and when required and fully cooperate in the investigation.

11. The petition is allowed in the aforesaid terms.

**VIBHU BAKHRU, J**

**JULY 20, 2020**  
**MK**