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* IN THE HIGH COURT OF DELHI AT NEW DELHI

*Reserved on: September 02, 2022**Decided on: September 19, 2022*+ BAIL APPLN. 1987/2022
JASPAL SINGH ANAND

..... Applicant

Through: Mr. H S Phoolka, Sr.
Advocate with Mr. Mohit
Gupta, Ms. Sharanya Sinha
and Ms. Shilpa Diwan,
Advocates.

versus

GNCT OF DELHI

..... Respondent

Through: Mr. Shashank Khurana,
Mr. Shiv Mangal Sharma,
Mr. Daksh Sachdeva,
Advocates with S.I. Amit
Kumar, EOW-VII.

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CORAM:

HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN

JUDGMENT

1. The present application is filed under section 439 Cr.P.C read with section 482 Cr.P.C for grant of regular bail on behalf of the applicant Jaspal Singh Anand under section in FIR bearing no. 0096/2018 under section 406/420/34 IPC registered at P.S. Economic Offences Wing and the applicant is stated to be in judicial custody since 31.05.2018.
2. The perusal of FIR bearing no. 0096/2018 reflects that it was got registered on the basis of complaint made by Maninder Singh s/o



Surinder Singh wherein it was stated that the applicant and his wife namely Raminder Kaur @ Simmi are running a boutique at C-1/122, First Floor, Janakpuri, New Delhi under the name and style of Dulhan Boutique and are known to the complainant and his relatives. The applicant and his wife Raminder Kaur @ Simmi approached the complainant for taking a friendly loan with assurance to return the same back as early as possible. The complainant gave Rs. 30 lakhs (Rupees Thirty Lakhs Only) as friendly loan through cheques drawn on Karur Vysya Bank, Janakpuri but the applicant and his wife did not return back the said amount, despite various requests made by the complainant. The complainant subsequently came to know that the applicant and his wife are the habitual cheaters and they have taken loan from several other persons and did not return back the loan amount. The applicant and his wife is stated to have sold their shop and houses and thereafter, transferred the money to other country and also were trying to flee from the country but were arrested.

3. It is stated in the application under consideration, that the complainant's have looted the boutique of the applicant and his wife for which FIR bearing no. 0096/2018 was got registered. The complainants were having financial transactions with the applicant and his wife. The complainant owes Rs. 5,30,000/- (Rupees Five Lakh Thirty Thousand Only) to the applicant and his wife. The complainant did not have any dishonest intention or induced the complainant at any point of time. In the application, the details of the transaction with the other complainants who were surfaced during investigation have been narrated. The Bail application was rejected



vide order dated 09.06.2022 passed by the Court of Shri Aashish Gupta, Additional Chief Metropolitan Magistrate, South West District, Dwarka. It is prayed that the accused applicant be released on bail.

4. The respondent/State filed the Status Report wherein it was stated that the present FIR was got registered on the basis of complaint made by Maninder Singh who advanced friendly loan of Rs. 30 Lakhs (Rupees Thirty Lakhs Only) through different cheques to the applicant and his wife Raminder Kaur @ Simmi. During investigation, other persons namely Dayawati, Laxmi Seth, Aakanksha Khanna, Pushpinder Singh, Taranjit Singh etc., were surfaced as victims who have given about Rs. 2.5 Crores to the applicant and his wife Raminder Kaur @ Simmi on false assurance to return their money on higher returns. The cheques given by the applicant and his wife were returned dishonored due to “insufficient balance” in their account. The present FIR involves multi-victims and there is in apprehension that the applicant and his wife Raminder Kaur @ Simmi may abscond to avoid investigation. The applicant Jaspal Singh Anand was arrested on 09.03.2018 and LOC against Ravinder Kaur @ Simmi has already been opened and subsequently, she was also arrested. However, the applicant and his wife Raminder Kaur @ Simmi were granted bail on the basis of settlement dated 25.03.2018 with the victims but the terms of settlement were not executed by the Applicant and his wife Raminder Kaur @ Simmi. During investigation it was surfaced that the applicant and wife invested the money in purchasing the property bearing no. C1/111,



Janakpuri and also invested the money in running the boutique. The case was subsequently transferred to EOW. The charge-sheet has already been filed after completion of investigation. The application for cancellation of Bail of Raminder Kaur @ Simmi is also under consideration before the Court of Chief Metropolitan Magistrate, Dwarka. In the Status Report, it is mentioned that the applicant should not be granted bail.

5. It is reflecting that the applicant was granted regular bail under section 439 Cr.P.C vide order dated 04.04.2018, on the basis of settlement on furnishing personal bond in the sum of Rs 50,000/- with one surety of the like amount to the satisfaction of the MM/Duty MM with the condition that that the applicant shall make the payment to the complainant as per the agreement.

6. Subsequently, the bail which was granted to the applicant/ Jaspal Singh was cancelled under section 439(2) Cr.P.C vide order dated 24th of May 2022 passed by the court of Shri MP Singh, ASJ Special Electricity Court passed in bail matters bearing no 680/ 2020. Thereafter, the applicant surrendered and was taken into the custody. The applicant also filed a Criminal Miscellaneous bearing no. 2647/2022 to set aside the order dated 24th of May 2022, which was ordered to be dismissed as withdrawn vide order dated 30th of May 2022.

7. The learned Senior Counsel for the applicant in oral argument as well as in written submissions stated that the complainant/ Maninder Singh and his mother Gajinder Kaur has got MOU signed from Raminder Kaur under threat, coercion and pressure. The



complainant has never advanced the friendly loan to the applicant. The applicant is around 60 years and a heart patient. The applicant had already been admitted in ICU in judicial custody. The applicant has never escaped from the Trial. The applicant is in judicial custody for more than 120 days and the charge sheet has already been filed but the charges are not framed. No useful purpose would be served by keeping the applicant in judicial custody.

8. The written submissions were also filed on behalf of Ms. Kaweri Batla one of the victim wherein stated that, the applicant has failed to comply with the undertaking given in the mutual settlement and has failed to make a payment as agreed upon. The order dated 24th of May, 2022 has attained finality. The accused was admitted to regular bail on 04.04.2018 but has failed to honor the settlement agreement. It is prayed that the accused should not be granted bail.

9. It is reflecting from the record that the prime allegations against the applicant is that he has taken the friendly loan from the complainants and other victims but did not repay the loan amount.

10. The investigation has already been completed, the chargesheet has already been filed. The applicant was earlier granted bail vide order dated 04.04.2018 on the basis of settlement and the bail was cancelled vide order dated 24.05.2022 passed by the Court of ASJ as per section 439(2). After considering all facts the accused applicant/Jaspal Singh is admitted to bail on furnishing personal bond on the sum of Rs. 1 Lakh with two sureties of the like amount to the satisfaction of concerned trial court/Link court with the conditions:-



- i. *That the applicant shall not leave India without permission from the Court and shall surrender his passport before the Trial Court if it is already not surrendered within 7 days from the date of his release.*
- ii. *That he shall not temper with the evidence or extend any threat to the witnesses;*
- iii. *The petitioner shall provide his mobile phone number to the concerned Investigating Officer(IO) immediately after release which shall be kept in working condition at all times;*
- iv. *The applicant shall mark his presence before the Investigating officer on every alternate Friday of English calendar month.*

11. The present petition alongwith pending applications, if any, stands disposed of.

**SUDHIR KUMAR JAIN
(JUDGE)**

SEPTEMBER 19, 2022
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