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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 392/2021**
AKSHAY AGGARWAL Petitioner

Through: Mr. Kishor Kumar Mishra, Mr. Aditya Mishra, Ms. Vidhi Singh, Mr. Srijan Mishra, Mr. Sanjay Mishra, Mr. Jitender Singh, Mr. Manthan Sukhija, Mr. P. Yadav, Mr. B.J. Thakur and Mr. Vishal Mahi, Advocates.
Petitioner-in-person (through V/C).

versus

THE STATE NCT DELHI & ORS. Respondents
Through: Mr. Mukesh Kumar, APP for State with SI Punit Kumar, PS Jyoti Nagar.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA
ORDER
% **05.03.2024**

1. An application under Section 439(2) read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for cancellation of bail granted to respondents No.2 and 3 vide orders dated 30.06.2016 and 12.07.2016.
2. Learned counsel for petitioner submits that after granting of bail, a Memorandum of Understanding was entered into between the complainant/petitioner and respondents no. 2 & 3, but the same has not been honoured. As such, it is prayed that bail granted to respondents No.2 and 3 be cancelled.
3. Learned APP for the State informs that the chargesheet has already been filed before the learned Trial Court on 31.07.2021. It is submitted that



service of respondents no. 2 & 3 (accused before the learned trial court) could not be effected and cancellation of bail appears to be sought on account of subsequent failure of assurance by respondents no. 2 & 3, to settle the issues.

4. I have given considered thoughts to the contentions raised.

Present petition has only been filed in the year 2021, whereas the bail orders were passed on 30.06.2016 and 12.07.2016. The aforesaid orders are challenged on the ground that the subsequent assurances for settlement in terms of MOU dated 13.04.2019 have not been honoured by the accused/respondents no. 2 & 3.

This Court is of the considered opinion that merely on account of non-implementation of MOU dated 13.04.2019, bail granted vide orders dated 30.06.2016 and 12.07.2016 cannot be cancelled. The chargesheet already stands filed in the year 2021 and the accused have been summoned by learned trial court in accordance with law.

In the facts and circumstances, no grounds for cancellation of bail are made out. Application is accordingly dismissed. However, since the FIR pertains to year 2016, learned Trial Court is directed to expedite the trial. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court for information and compliance.

ANOOP KUMAR MENDIRATTA, J.

MARCH 05, 2024/akc