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

+ **BAIL APPLN. 876/2023**

HARBANS SINGH

..... Petitioner

Through: Mr. Umang Tyagi, Ms. Nikita Anand,
Mr. Harsh Jaiswal and Mr. Sudhanshu
Tyagi, Advs. along with petitioner in
person.

Versus

STATE & ANR.

..... Respondents

Through: Mr. Hemant Mehla, APP for State
with SI Avaneesh Kumar, PS.
Jagatpuri.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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15.02.2024

1. The present petition has been filed under Section 439 CrPC seeking grant of regular bail in connection with FIR No.238/2018 under Sections 420/34 IPC registered at Police Station Jagatpuri, Distt. Shahdara.
2. The case of the prosecution in brief is that the accused person approached the complainant to sell a property giving the complainant to understand that he is the absolute owner of the property. An agreement to sell was entered into under which the present petitioner and his wife allegedly received an amount of Rs. 14 lacs. Later on, it was found that the petitioner is not an owner of the property. This led to the registration of aforesaid FIR.



3. The petitioner was released on interim bail on HPC guidelines, and thereafter, he did not surrender, however, a direction was given to the petitioner to remain present in Court. Today, the petitioner is present in Court.
4. The learned counsel for the petitioner submits that the complainant has also filed a civil suit, which is pending.
5. He invites the attention of the Court to the nominal roll dated 06.05.2023, to contend that the petitioner has already been remained in custody for a period of 10 months. He submits that the investigation has concluded and the charge sheet has been filed and the evidence being documentary in nature is already part of the charge sheet. Therefore, the custody of the petitioner is no more required.
6. The Status Report has been handed over in the Court and the same is taken on record.
7. He submits that as many as 15 witnesses have been cited by the prosecution and even the charge has not been framed, inevitably the trial is going to be a protracted one and the petitioner cannot be kept in custody for an indefinite period to await the outcome of trial.
8. It is further contended that the petitioner is a resident of Delhi and is not a flight risk. He, therefore, urges the Court to enlarge the petitioner on bail.
9. *Per contra*, the learned APP has argued on the lines of the Status Report.
10. The investigation in the matter is complete and the charge sheet has been filed, therefore, the custody of the petitioner is no more required for any investigation or recovery purpose.



11. It is also borne out from the nominal roll dated 06.05.2023, that the petitioner has already spent 10 months in custody. In so far as the recovery of the money allegedly paid to the petitioner is concerned, the learned counsel for the petitioner submits that some civil suit with regard to the same has already been filed by the complainant and the same is pending.

12. The petitioner has residential address of Delhi. In any case, to ensure the petitioner is available to stand the trial and does not influence or threaten the complainant, appropriate conditions can be imposed.

13. Considering the aforesaid facts and circumstances and the custody period, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 25,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-

- a) Petitioner shall not leave Delhi/NCR without prior permission of the Court.
- b) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- c) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
- d) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/witnesses.

14. The petition stands disposed of.

15. Copy of the order be forwarded to the concerned Jail Superintendent



for necessary compliance and information.

16. Order *dasti* under signatures of the Court Master.
17. Order be uploaded on the website of this Court.

FEBRUARY 15, 2024/dss

VIKAS MAHAJAN, J