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

+ **CRL.M.C. 2166/2023**

RUPAM SINGH

.....Petitioner

Through: Mr. Sameer Chandra, Mr. Subham Parashar, Mr. Himanshu Yadav and Mr. Aryan Tomar, Advocates.

versus

THE STATE AND ANR

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for State with SI Seema PS Dwarka South, Delhi.

Mr. Sanjay Rathi, Advocate for respondent no.2 (through VC).

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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27.08.2024

1. By way of present petition, the petitioner/complainant seeks cancellation of bail granted to the respondent No.2 vide order dated 18.03.2020 passed by the learned Addl. Sessions Judge (SFTC), South West District, Dwarka Courts, New Delhi, in the case registered vide FIR No.461/2019 at PS Dwarka South, Delhi, under Sections 420/406/120B/34 IPC, whereby respondent no.2 was admitted to regular bail.

2. Learned counsel for the petitioner states that initially, the respondent No.2's bail application was dismissed by the learned Sessions Court vide order dated 26.11.2019, whereafter the second bail application was filed, in which the respondent No.2 was granted interim bail vide order dated 13.12.2019, on respondent No.2 volunteering to pay a sum of Rs.25 lacs to the complainants. It is further stated that the complainants, who were investors in a chit-fund scheme, gave their no objection in the aforesaid order and therefore, interim bail was granted to the respondent No.2.



Subsequently, the respondent No.2 failed to adhere to the said condition. However, ignoring the voluntary statement made by the respondent No.2 and the fact that the interim bail was granted to the respondent No.2 only on the basis of his offer to deposit Rs.25 lacs, the interim bail was made absolute vide order dated 18.03.2020, without considering the merits of the case.

3. During the course of the hearing, learned counsel for the respondent No.2 submits that considering the aforesaid facts and circumstances and the fact that respondent No.2's bail application was confirmed without considering the merits, he has no objection if the matter is remanded back for fresh consideration. He further submits that the respondent No.2 will approach the concerned Trial Court within one week from today.

4. A perusal of the orders placed on record would reflect that the bail was granted to the respondent No.2 upon him offering to pay a sum of Rs.25 lacs to the complainants, which was eventually not paid. The bail was confirmed not on merits but merely on the respondent No.2 making the part payment of Rs. 5 lacs.

5. Without commenting further and in view of the consent of both the parties, the matter is remanded back to the concerned Trial Court for fresh consideration.

6. The petition is disposed of in above terms.

7. The contentions of both the parties are left open to be urged before the Trial Court.

MANOJ KUMAR OHRI, J

AUGUST 27, 2024/rd