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

+ **BAIL APPLN. 840/2024**

SHAMSHER KALRA

..... Applicant

Through: Mr. Jayant Tripathi, Ms.
Nayantara Roy, Mr.
Sugam Mishra, Ms.
Rukhsar Saifi, Mr. Shrey
Gupta, Ms. Megha Singh
& Mr. Faiza Akram,
Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Ajay Vikram Singh,
APP for the State
alongwith Mr. Dhruv
Saini, Mr. Harsh Tomar &
Ms. Janhvi Nautiyal,
Advocates & Inspector
Arun Verma (I.O./S.H.O.-
P.S. Cyber Police Station
South).
Ms. Manpreet Kaur,
Advocate for
Complainant.

+ **W.P.(CRL) 957/2024 & CRL.M.A. 9109/2024**

MR. NARESH GARG & ANR.

..... Petitioners

Through: Mr. Shiv Chopra, Ms.
Aadhyaa Khanna, Mr.
Siddharth Arora & Mr.
Akshaj Rohmetra,
Advocates alongwith
Petitioner No.1-in-Person.
Mr. Jayant Tripathi, Ms.
Nayantara Roy, Mr.
Sugam Mishra, Ms.



Rukhsar Saifi, Mr. Shrey
Gupta, Ms. Megha Singh
& Mr. Faiza Akram,
Advocates for Petitioner
No.2.

versus

STATE (NCT OF DELHI) & ANR. Respondents

Through: Mr. Sanjeev Bhandari,
ASC-CRL for the State
alongwith Ms. Anvita
Bhandari, Mr. Kunal
Mitta, Ms. Charu Sharma
Mr. Arijit Sharma & Mr.
Vaibhav Vats, Advocates
& Inspector Arun Verma
(I.O./S.H.O.- P.S. Cyber
Police Station South).
Ms. Manpreet Kaur,
Advocate for Respondent
No.2.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
15.05.2024

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BAIL APPLN. 840/2024

1. The present application is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in FIR No.109/2023 dated 27.11.2023 registered at police station Cyber Police Station South for offence under Section 420 of Indian Penal Code, 1860 ('IPC') & offence under Section 66C of Information Technology Act, 2000 ('IT Act').
2. The FIR was registered on a complaint made by one, Jayant Ghadia ('complainant') alleging that the he had entered into an agreement to sell dated 23.05.2018, with one Deepa Chakarborty for the purchase of the property bearing No. K-



2063, Chittaranjan Park, New Delhi 110019, for a sum of ₹1,17,00,000/-. It is stated that the Deepa Chakarborty had also executed a GPA in favour of the complainant dated 16.08.2019.

3. It is alleged that the accused persons in connivance with each other had downloaded the photograph of the complainant from the internet and used the same for filling the cancellation dated 07.11.2023 of GPA dated 16.08.2019, without the knowledge of the complainant. It is stated that the complainant got the knowledge of the alleged cancellation being filed on 23.11.2023, which led to the registration of the present FIR.

4. It is not disputed that if the parties have since entered into a settlement agreement dated 07.03.2024. This Court, in order dated 06.03.2024, also noted that the Coordinate Bench of this Court in its order dated 29.02.2024 in CS(OS) No.830/2023 has also recorded that the parties have settled their disputes.

5. It is also admitted that the certain compliances which were required to be done on the part of the applicant have already been executed. There are certain more obligations/compliances which are required to be carried out by the other parties in the settlement agreement.

6. In view of the above, it is directed that the applicant, in the event of arrest, be released on bail on furnishing a bail bond for a sum of ₹50,000/- with one surety of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The applicant shall join and cooperate with investigation as and when directed by the Investigating Officer;
- b. The applicant shall not leave the country without the permission of the learned Trial Court;



- c. The applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
- d. The applicant shall appear before the learned Trial Court on every date of hearing.

7. In the event of there being any FIR/DD entry / complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

8. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the Trial and also not be taken as an expression of opinion on the merits of the case.

9. The bail application is allowed in the aforementioned terms.

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10. The learned Counsel for the parties submit that they are hopeful that the obligations which are left to be fulfilled in terms of the settlement dated 07.03.2024, would be done within a period of eight to ten weeks.

11. They request that the matter be taken up any time thereafter.

12. At their request, list on 01.08.2024.

13. In the meantime, the State is directed not to proceed further in relation to proceedings arising out of the present FIR being FIR No. 109/2023.

14. A copy of the order be placed in both the matters.

AMIT MAHAJAN, J

MAY 15, 2024
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