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

(4) BAIL APPLN. 853/2023

VINOD BANSAL ..... applicant

Through: Mr.Anuj Chauhan, Adv.

versus

STATE OF NCT OF DELHI ..... Respondent

Through: Mr.Sanjeev Bhandari, ASC (Criminal) with Ms.Avnita Bhandari, Mr.Kunal Mittal, Mr.Arjit Sharma, Mr.Vaibhav Vats, Advs. with Insp. Sanjeev Kumar, EOW.
Mr.Karan, Mr.Vidur Marwah, Advs. for R-2.

(5)+ BAIL APPLN. 1142/2023

B L AGGARWAL ..... Petitioner

Through: Mr.D.N.Chaturvedi, Mr.Anurag Ojha, Mr.Saranjit Singh Bhalla, Mr.Vipul Kumar, Advs.

versus

STATE OF NCT OF DELHI AND ANR ..... Respondents

Through: Mr.Sanjeev Bhandari, ASC (Criminal) with Ms.Avnita Bhandari, Mr.Kunal Mittal, Mr.Arjit Sharma, Mr.Vaibhav Vats, Advs. with Insp. Sanjeev Kumar, EOW.
Mr.Karan, Mr.Vidur Marwah, Advs. for R-2.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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30.04.2024

1. These Bail Applications have been filed by the Applicants under Section 438 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') seeking Anticipatory Bail in FIR no. 60/2022, under Sections 420/406/120B of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station: Economic Offences Wing.

2. The above FIR was registered on the complaint of the respondent no.2 and his wife alleging therein that the applicant along with the two others were partners in purchasing a land measuring 254.8 Kanals in Village Sehsaula Tehsil Tauru, District Nuh, Haryana, for a total consideration of Rs.25.44 crores. It is alleged that the applicant, that is, Sh.Vinod Bansal was dealing with the seller of the land as a front man to the deal and for making the payment as per the schedule of the Agreement dated 19.10.2012.

3. It is alleged that the respondent no.2 paid Rs.4.55 crores as his share to purchase the land and to start a housing project. It is alleged that the accused, however, executed another agreement dated 12.11.2013 with the seller without informing the complainant and without involving the complainant as a partner, thereby cheating him of a sum of Rs.4.55 crores.

4. In the course of the investigation, it was disclosed that the applicant Sh.Vinod Bansal was a front man for M/s Juhi Infrastructure Pvt. Ltd. in dealing with the seller namely M/s Hilldrop Resorts Pvt. Ltd. and its Director, the applicant/B.L.Aggarwal, and others. It is alleged that later the agreement was changed in the name of the co-

accused Mr.Pawan Singhal, who then started demanding money from the complainant. The status report indicates that the said piece of land stands in the name of M/s Hilldrop Resorts Pvt. Ltd.. It was further found that the money has been transferred on the pretext of the transfer of shares of the said company.

5. This Court by its *ad interim* Order dated 16.03.2023 (in Bail Appln. No.853/2023), directed the Applicant therein to join the investigation as and when called by the Investigating Officer (IO). It was further directed that if the IO feels the necessity to arrest the Applicant therein, a notice of 15 days be given to him.

6. As far as Bail Appln. 1142/2023 is concerned, similar protection was granted to the Applicant vide Order dated 11.04.2023.

7. The abovesaid Order(s)/protection has been continued till date.

8. The learned counsel for the Applicants submits that the Applicants have joined the investigation on a number of occasions. This is not disputed by the learned ASC, on instructions from the IO.

9. On the other hand, the learned counsel for the respondent no.2 opposes the prayer made in the applications, by contending that the respondent no.2 has been cheated of a huge amount of money and the investigation needs to be completed with custodial interrogation for recovering the said amount.

10. I have considered the submissions made by the learned counsels for the parties.

11. As is evident from the above, the Applicants were granted limited protection by the Orders dated 16.03.2023 and 11.04.2023, respectively. They have since joined the investigation. The IO did not

feel the need to arrest them till date, though almost a year has passed from the said orders. I have also considered the nature of the allegations made in the FIR. They appear to be based on documentary evidence.

12. Keeping in view the above circumstances, it is directed that in the event of arrest of the Applicant(s) in relation to FIR no. 60/2022, under Sections 420/406/120B of the IPC registered at Police Station: Economic Offences Wing, the Applicant(s) shall be released on Anticipatory Bail, subject to furnishing a personal bond in the sum of Rs.25,000/- with one local surety of the like amount to the satisfaction of the IO/Arresting Officer/SHO concerned, and further subject to the following conditions:

(v) that the Applicant(s) will join the investigation, as and when directed, in writing by the IO/SHO concerned;

(vi) that the Applicant(s) shall not, directly or indirectly, try to contact/influence the complainant/victim or any other witness(s) or tamper with evidence of the case;

(vii) that the Applicant(s) shall furnish their mobile phones/landline numbers and residential address to the IO/SHO concerned, and in the event of any change of the same, will immediately inform the same to the IO/SHO; and,

(viii) that the Applicant(s) shall not indulge in any criminal activity.

13. Needless to state, any observation touching upon the merits of the case is purely for the purposes of deciding the question of grant of

Anticipatory Bail and shall not be construed as an expression on the merits of the matter.

14. The Bail Applications are disposed of in the above terms.

NAVIN CHAWLA, J

APRIL 30, 2024
RN/AS

Click here to check corrigendum, if any