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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1860/2019**

SHRI PREM SINGH

.....Petitioner

Through: Ms. Pooja, Mr. Akash
Mehta & Mr. Keshvam
Punj, Advs.

versus

STATE (NCT OF DELHI) & ORS.Respondent

Through: Mr. Ajay Vikram Singh,
APP for the State.
Insp. Abhishek Kr., PS
EOW.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
30.09.2024

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1. By the present petition the petitioner challenges the order 24.11.2018, pursuant to which Respondent No. 2 was granted pre-arrest bail in FIR No. 79/2018, registered at Police Station Tughlak Road, for offences punishable under Sections 420/406/448/506/34 of the Indian Penal Code, 1860.
2. The learned counsel for the petitioner submits that the order was passed on a wrong statement made by the accused.
3. The learned counsel for the petitioner submits that wrong averments were noted that the dispute is civil in nature.
4. He submits that the observations made in the order will affect the other proceedings between the parties and will affect the trial.
5. The learned Additional Public Prosecutor for the State submits that chargesheet was filed way back in the year 2021, however, the accused has not been appearing and the bailable



warrants have also been issued.

6. Clearly, the accused not appearing pursuant to being admitted on bail, is a violation of the condition of bail.

7. The State as well as the complainant are at liberty to file an appropriate application seeking cancellation of bail on the ground of non-appearance of the accused before the learned Trial Court.

8. As and when any such application any such application is filed, the learned Trial Court is directed to consider the same on its own merits.

9. In regard to the observation in the impugned order that the dispute is civil in nature, it is clarified that any observation that may have been made by the learned Trial Court in the impugned order are purely for the purpose of deciding the application for bail at that stage and should not be considered as an opinion on the merits of the case as far as the other proceedings between the parties are concerned.

10. The petition is disposed of with the liberty to the petitioner as well as to the State to file an appropriate application before the learned Trial Court.

AMIT MAHAJAN, J

SEPTEMBER 30, 2024

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