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

+ **BAIL APPLN. 1330/2024**

SANDEEP SHARMA

.....Petitioner

Through: Mr.Sarvesh Singh, Mr.sanjai Premi
and Mr.Arvind Kumar Verma, Advts.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr.Raghvinder Varma, APP for the
State.
SI Satish Singh, PS Shakarpur
Mr.Prakhyat Sharma, Mr.Nitin
Kr.Sharma, Advts. for R-2 with R-2
in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
01.08.2024

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1. Present petition for grant of regular bail has been moved in case FIR No.244/2020 under Section 406/506/174A IPC, PS Shakarpur.
2. The present case was lodged as stated in the status report, by way of a complaint made by Sh. Deepak Jaiswal who alleged that the petitioner and his brothers namely Sanjay Dandotia & Rajesh Dandotia cheated the complainant to the tune of Rs. 24 lakhs. When the complainant asked them to repay the amount, he was allegedly criminally intimidated by the petitioner and his brothers.
3. It was further alleged that the petitioner subscribed to the membership of the gym on 13.06.2016. The complainant also alleged that once the



petitioner established good relations with the complainant, the petitioner claimed that his brothers namely Sanjay and Rajesh run a successful contract business in Madhya Pradesh and that the complainant should invest in the same. The petitioner allegedly dishonestly induced the complainant to invest about Rs.20-25 lakhs in the upcoming tenders, assuring him high returns for the same.

4. The complainant paid a sum of around 20 lakhs into the petitioner's account on 09.07.2019 and further delivered cash around 4 lakhs on different occasions. It is alleged that the complainant was under the false pretext of gaining high returns, as promised by the petitioner.
5. Thereafter, the complainant alleged that he did not receive any returns as promised. Further, upon asking for repayment of the said amount of about Rs.25 lakhs the petitioner delayed/refused on one pretext or the other such as change of political regime in Madhya Pradesh.
6. It is also alleged that the petitioner threatened to eliminate the complainant and his family members from Delhi if the complainant will continue to pester the petitioner. Therefore, the complainant had to resort to punitive action against the Petitioners.
7. Moreover is alleged that the father of the complainant has filed a separate complaint against the petitioners, alleging to be deceived by the petitioner to the tune of Rs.10,05,000/- at PS Shakarpur.
8. Learned counsel for petitioner submits that the petitioner is in custody since 11.3.2024, the investigation has already been completed and the chargesheet has been filed. Learned counsel for the petitioner submits that therefore the petitioner may be admitted to bail. Learned counsel for the petitioner has also submitted that out of the alleged stated



amount, a substantial amount has already been transferred to the accounts of the complainant or other members of his family. Learned APP submits that the Petitioner did not join the investigation and was declared PO. Learned APP has also submitted that even FIR under Section 174 A was lodged against the petitioner. It has also been submitted that there is no permanent address of the petitioner, and if he is admitted to bail, he may not attend the trial.

9. Learned counsel for the complainant has also opposed the application on the ground that the petitioner has cheated the complainant. It has further been submitted that even on 04.01.2022 he entered into a settlement with the complainant in the presence of the IO and agreed to pay a sum of Rs. 7,75,000/- in two instalments within three months. Learned counsel submits that if the petitioner was not liable to pay anything then why did he enter into such an agreement.
10. The submissions have been considered.
11. It is a case of alleged cheating of around Rs.25 lakhs. Investigation is complete. The petitioner is in custody since 11.03.2024. The court at the stage of grant of bail is not required to go into meticulous examination of the facts nor the probative value of the witnesses is to be seen. The factum of validity of compromise entered into between the petitioner and the complainant on 04.01.2022 is to be seen during the course of trial.
12. In view of the facts and circumstances of the case and the compromise entered into between the parties, the petitioner is admitted to bail on furnishing personal bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the trial court, subject to the following



conditions:

- a) the Petitioner shall cooperate in the investigation and appear before the Investigating Officer of the case as and when required;
 - b) the Petitioner shall under no circumstances leave India without prior permission of the Court concerned;
 - c) the Petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
 - d) the Petitioner shall provide his/her mobile number(s) to the Investigating Officer and keep it operational at all times;
 - e) In case of change of residential address and/or mobile number, the Petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.
13. With the above directions, the petition stands disposed of.
14. Copy of the order be sent to the concerned Jail Superintendent for information and necessary action.

DINESH KUMAR SHARMA, J

AUGUST 1, 2024

rb/k..