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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1509/2024**
AJIT SINGH RAJPALPetitioner

Through: Ms. Apurva Upmanyu, Mr. Nabab Singh and Ms. Sheena Chopra, Advs.

versus

STATE (NCT OF DELHI)Respondent

Through: Ms. Manjeet Arya, APP for State with SI Krishan Varma, PS: Rajouri Garden.
Mr. Rahul Sharma, Mr. Kshitij Goel and Mr. Gyan Ranjan, Advs. for Complainant.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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21.08.2024

1. An application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of anticipatory bail in FIR No. 970/2023, under Sections 420/468/471/34 IPC, registered at P.S.: Rajouri Garden.
2. In brief, as per the case of prosecution, petitioner along with co-Directors of a company named M/s Matchless Café Pvt. Ltd. approached the complainant Vikas Ghai for purpose of taking property bearing No. C-10, Vishal Enclave, Tagore Garden, Delhi on lease and lease deed was entered between the parties. The said company and its Directors are alleged to have defaulted in making the payment and the cheques issued towards the rent also got bounced. Thereafter, it came to the notice of complainant that two new



companies / firms namely M/s Blue Lightening Café Pvt. Ltd. and M/s Yours Hospitality were registered at the aforesaid address of the complainant without executing any lease deed. On enquiry, it was found that petitioner executed a partnership deed with Ms. Sneha Rajpal to carry out business under the name of M/s Yours Hospitality in order to get the said firm registered, and petitioner prepared a rent agreement executed by Mr. Vikas Ghai (complainant). The said agreement is stated to have been used to get M/s Yours Hospitality registered and accordingly, present FIR was registered.

3. Learned counsel for petitioner submits that petitioner has already joined investigation and leased premises has also been handed back to the complainant / lessor. Arbitration proceedings are also stated to be pending qua cheques given towards the disputed rent.

4. On the other hand, application is opposed by learned APP for the State along with learned counsel for the complainant. It is urged that petitioner has not handed over the original lease deed, which was prepared for purpose of obtaining registration from GSTO. It is also pointed out that documents used for aforesaid purpose were notarized but not duly stamped by the concerned notary public.

5. I have given considered thought to the contentions raised.

Arbitration proceedings in respect of disputes between the parties are pending and premises has also been handed back to the lessor / complainant. Petitioner has joined the investigation and appropriate inference can be drawn with reference to documents, which were filed for purpose of obtaining registration from GSTO.

Considering the totality of the facts and the circumstances, in the event of arrest, petitioner is admitted to bail on furnishing a personal bond in sum of



Rs. 1,00,000/- (Rupees One Lakh Only) with one surety in the like amount to the satisfaction of the IO / SHO, PS: Rajouri Garden and subject to his joining investigation

Application is accordingly disposed of. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

AUGUST 21, 2024/R