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

+ **BAIL APPLN. 2038/2024**

CHIRAG JAIN

..... Petitioner

Through: Mr. Maninder Singh Sr. Adv. with
Mr. Ajay Kumar Pipaniya, Ms.
Pallavi Pipaniya, Mr. Imtiaz Hussain,
Mr. Danish Chikara, Ms. Simran
Chaudhary, Ms. Diksha Dharia, Mr.
Ravinder Rawal, Mr. Mukesh
Chaudhary, Advs.

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr. Sanjay Lao, Standing counsel,
Mr. Priyam Agarwal, Mr. Abhinav
Advs. for the State
Mr. Pankaj Gupta, Ms. Bharti Gupta,
Advs. for complainant.
Inspector Yogendra Kumar, PS
Punjabi Bagh.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

05.06.2024

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CRL.M.A. 18121/2024 (Exemption)

Exemption is allowed, subject to all just exception.

BAIL APPLN. 2038/2024

1. The present bail application has been filed under Section 438 Cr. PC read with Section 482 Cr. PC for grant of anticipatory bail in case FIR



No.313/2024 under Sections 420/406/120-B IPC registered at PS Punjabi Bagh, Delhi dated 16.05.2024.

2. Mr. Maninder Singh, learned senior counsel for the petitioner submits that long and short, the case of the complainant is that the father of the petitioner had entered into an agreement of sale of property of 1st floor, H.No. 9, Road No. 32, East Punjabi Bagh, West Delhi-26 for Rs.1,00,00,000/-.
3. Learned senior counsel submits that even as per the case of the complainant, Rs.55,00,000/- was received by the father of the petitioner from the complainant party. Learned senior counsel for the petitioner submits that the allegations against the petitioner is that he went along with his father and remained associated in the dealing. Learned senior counsel for the petitioner submits that it is a civil transaction which has been converted into the criminal transaction.
4. Mr. Sanjay Lao, learned standing counsel for the State submits that in fact, the petitioner's father Sh. Ravinder Jain had entered into an agreement to sale and subsequently, failed to execute the sale deed. Learned standing counsel submits that there was an intention to cheat since inception and therefore, neither the money has been returned back nor the sale deed has been executed.
5. Learned standing counsel has further submitted that the petitioner's father had also taken a loan on this property.
6. Learned counsel for the complainant has also submitted that in fact the fraud has been played by the petitioner upon the complainant party and therefore the anticipatory bail may not be granted to the petitioner.



7. The law of the anticipatory bail is very well settled. The discretion has to be exercised sparingly. However, at the same time, the Court has to see if the system has been attempted to be used as a tool to harass the petitioner, the discretion may be exercised. The Court would restrain itself to make any comment on the merits of the case. However, I consider that the participation of the petitioner is necessary in the investigation.
8. Let the petitioner join the investigation tomorrow i.e. 06.06.2024 at 10:00 AM before the Investigating Officer. The petitioner shall fully cooperate with the Investigating Officer and shall appear as and when required by the Investigating Officer.
9. Learned standing counsel has very fairly submitted that if the Investigating Officer feels necessary of affecting the arrest of the accused person, they will give seven days notice to the petitioner.
10. In view of the above, the present bail application stands disposed of.

DINESH KUMAR SHARMA, J
(VACATION JUDGE)

JUNE 5, 2024

Pallavi