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

\+ BAIL APPLN. 4278/2021

ASHA SHARMA ..... Petitioner

Through: Mr. Vishal Soni, Advocate (through VC).

versus

THE STATE ..... Respondent

Through: Mr. Amit Ahlawat, APP for State.
SI Ghanshyam, PS Wazirabad.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

<u>O R D E R</u>

% **12.02.2024**

1. The present application under Section 438 of the CrPC seeks anticipatory bail in case FIR No. 81/2019 under Sections 420/120B of the IPC registered at PS Wazirabad.

2. The case of the prosecution, as per the status report dated 03.01.2022 authored by Inspector Bhaskar Sharma, SHO, PS Wazirabad is as under:

> "Most respectfully, it is submitted that above mentioned case was registered on the complaint of Naveen Komal S/o Sh. Harbans Komal R/o E-86, Street No. 3/6, Hardev Nagar, Village Jharoda, Delhi-110084 wherein he alleged that accused persons namely (1) Smt. Asha Sharma (2) Nand Kishore Sharma (3) Smt. Poonam Sharma (4) Umesh Sharma are well known to him and were living in same locality. They approached the complainant and told that they were in utter need of money and showed her willingness to sell upper ground floor flats with parking, forming part of the property bearing No. E-72, Gali No 3, Hardev Nagar, Jharoda Majra, Burari, Delhi and then both party were agreed to sell the property for a total sale consideration amount of Rs. 28,60,000/- in terms of agreement

cum receipt dated 26.06.2017 by representing Smt Asha Sharma as an owner of said property and was competent to sell the said property. Out of total sale consideration amount, Smt Asha Sharma had received, a sum of Rs 10,60,000/- as Bayana in respect of said property and executed/signed the earnest money bayana receipt dated 26.06.2017, in presence of other mentioned accused persons. Thereafter, when complainant contacted Smt. Asha Sharma for payment of balanced bayana amount and to execute the necessary sale/transfer documents, she started delaying the same. Thereafter, on 25.11.2017, when, Smt. Asha Sharma was contacted to receive the balance sale consideration amount and to execute the necessary sale/transfer documents in his favour, she kept on delaying the same on one pretext or the other and finally she failed to fulfill the said contract dated 26.06.2017, she agreed to refund the said earnest bayana money of Rsl 0,60,000/- and for the same, Smt. Asha Sharma through her daughter in law Smt. Poonam Sharma issued a cheque bearing No. 079386 dated 21.12.2017. The said cheque got bounced fi:om the bank with remarks of Funds insufficient. Complainant further stated in his FIR that the complainant again went to Smt Asha Sharma house and claimed for money, all accused persons threatened him with dire consequences. Accordingly, the above said FIR has registered in PS Wazirabad after the approval of Worthy DCP/North."

3. Learned counsel for the applicant submits that the latter was granted interim protection *vide* order dated 06.12.2021, pursuant to which she joined the investigation as and when called by the Investigating Officer. Learned counsel for the applicant further submits that the latter shall abide by any terms and conditions for anticipatory bail deemed fit and proper by this Court in the facts and circumstances of the case.

4. Learned APP for the State, on instructions of the Investigating Officer, submits that the applicant has joined the investigation. It is further submitted that the specimen signatures of the applicant have been obtained and have now been sent to the FSL for examination. The FSL report in that regard is awaited.

5. Heard learned counsel for the parties and perused the record.

6. Pursuant to the interim protection granted by this Court, the applicant is stated to have joined investigation. The specimen signatures of the applicant have been obtained and sent to FSL for comparison.

7. In totality of the facts and circumstances of the case, the present application is allowed. In the event of his arrest, the applicant is directed to be released on anticipatory bail on his furnishing a personal bond in the sum of Rs. 50,000/- alongwith two sureties of the like amount subject to the satisfaction of the learned Trial Court/Link Court, further subject to the following conditions:

i. The applicant shall not leave the country without prior permission of the learned Trial Court.

ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.

iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.

iv. The applicant shall join investigation as and when called by the Investigating Officer concerned.

v. The applicant will not try to influence the witnesses in any manner.

vi. The applicant shall provide his mobile number to the Investigating Officer and intimate about any change.

8. The application is allowed and disposed of accordingly.

9. Pending applications, if any, also stand disposed of.

10. Needless to state that nothing stated hereinabove is an opinion on the merits of the case.

11. Order be uploaded on the website of this court *forthwith.*

AMIT SHARMA, J

FEBRUARY 12, 2024/*sn*