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

+ **BAIL APPLN. 2384/2024**

NEETU SINGH

.....Petitioner

Through: Mr. Jaspreet Singh Rai, Mr. Rohit Nagpal, Mr. Ravi Kumar, Mr. Sukhdeep Kaur Rai, Mr. Ankur Singh, Mr. Swetabh Kumar, Mr. Devinder Singh and Ms. Vasudha Gupta, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State. SI Ajay Swami, P.S.: EoW. Mr. Madhur Mahajan and Mr. Parth Mahajan, Advocates for the complainants.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

03.12.2024

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CRL.M. (BAIL)1136/2024

Mr. Jaspreet Singh Rai, learned counsel for the petitioner/applicant submits, that the petitioner does not wish to press the present application seeking interim bail; and instead wishes to argue the main bail petition.

2. This application is accordingly disposed-of as not pressed.

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3. By way of the present petition filed under section 439 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioner seeks regular bail



in case FIR No. 0099/2016 dated 27.05.2016 registered under sections 420/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Barakhamba Road, New Delhi. Consequent upon completion of investigation, offences under sections 120-B/174-A IPC have been added *vide* chargesheet dated 04.02.2021.

4. Notice on this bail petition was issued *vide* order dated 11.07.2024; pursuant to which Status Report dated 05.09.2024 has been filed on behalf of the State.
5. Nominal roll dated 07.09.2024 has also been received from the concerned Jail Superintendent.
6. Pursuant to the direction contained in order dated 11.07.2024, formal intimation has been served upon the complainants, who are also represented in the present matter.
7. The court has heard Mr. Jaspreet Singh Rai, learned counsel for the petitioner; Ms. Shubhi Gupta, learned APP appearing on behalf of the State; as well as Mr. Madhur Mahajan, learned counsel appearing on behalf of the complainants.
8. Mr. Rai argues, that the petitioner is a victim of circumstances, by reason of which the transaction concerning the sale of an apartment in the Commonwealth Games Village developed by M/s. Emaar MGF to the complainants - Kavita Mahajan and Sarvesh Mahajan - has gone into a dispute. It is submitted that the main accused in the matter is the petitioner's husband - Pramod Kumar Singh - who has been absconding and is believed to now be in Dubai, United Arab Emirates and has been declared 'proclaimed offender' *vide* order dated



15.01.2021 passed by the learned Chief Metropolitan Magistrate, Patiala House District Courts, New Delhi.

9. All else apart, Mr. Rai submits, that investigation in the matter is long concluded and chargesheet dated 04.02.2021 has been filed in the matter and the present petitioner has been accused of offences under sections 420/120-B/174-A/34 IPC. It is submitted that the petitioner was arrested on 07.12.2020 and has been in judicial custody as an under-trial for almost 04 years now, which is more than half the maximum sentence she could face for the offence under section 420 IPC.
10. In the circumstances, it is argued that irrespective of the merits of the matter, the petitioner is entitled to be enlarged on regular bail in view of section 436-A of the Cr.P.C.
11. In addition to the above, learned counsel also informs the court, that despite chargesheet dated 04.02.2021 being filed in the matter, charges are yet to be framed in the matter; and the trial is likely to take a long time to complete.
12. Relying upon the contents of the status report, learned APP opposes grant of bail, submitting that the petitioner's role in the offence is not peripheral since she is the one who had signed the original agreement to sell, the original receipts as well as certain original cheques issued to the complainants, all of which has now been verified in the FSL report. Ms. Gupta argues, that the present petitioner is a habitual offender; and that she is involved in at least 16 other similar cases of having cheated multiple victims in relation to property transactions in Delhi.



13. To buttress the above contention, learned APP submits, that as would be seen from the list of pending cases appended to the nominal roll received from the Jail Superintendent, the petitioner also has cases pending against her for similar offences outside Delhi *inter-alia* in Ghaziabad, Uttar Pradesh.
14. In the circumstances, it is argued that the petitioner does not deserve to be granted regular bail.
15. Addressing the above objections raised on behalf of the State, Mr. Rai submits, that the petitioner is equally a victim of circumstances in the other cases in which she has been implicated; and furthermore it is pointed-out, that in any event, the petitioner has been released on regular bail in all those matters.
16. Mr. Mahajan appearing for the complainants submits, that the complainants had paid a sum of Rs. 2.2 crores to the petitioner and her husband for purchase of the subject apartment; but they have neither been able to recover any money *nor* do they have possession of the apartment since it turned-out that the apartment was mortgaged to a lender and subsequently sold to a third-party. Counsel further submits, that subsequently the petitioner had issued to the complainants 04 cheques towards refund of the money, but all those cheques were dishonoured on presentment.
17. Upon a conspectus of the facts and circumstances of the case, and without delving any further into the merits of the matter, what weighs with the court *at this stage*, is the fact that the petitioner has already been in judicial custody for almost 04 years whereas the maximum



imprisonment that would be attracted for the offence charged, namely for section 420 IPC, is 07 years.

18. In view of the above, this court is persuaded to allow the present petition; and the petitioner - **Neetu Singh w/o Pramod Kumar** - is accordingly admitted to *regular bail* pending trial, subject to the following conditions :

- 18.1. The petitioner shall furnish a personal bond in the sum of Rs.5,00,000/- (Rs. Five Lacs Only) with 02 sureties in the like amount from a family members, to the satisfaction of the learned trial court;
- 18.2. The petitioner shall furnish to the Investigating Officer ('I.O.') a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- 18.3. If the petitioner has a passport, she shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court;
- 18.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial; and
- 18.5. In case of any change in his residential address/contact details, the petitioner shall promptly inform the I.O. in writing.



19. Since the petitioner is facing trial and is therefore appearing before the learned trial court from time-to-time, it is not considered necessary to impose a reporting requirement as a condition of regular bail.
20. Nothing in this order shall be construed as an expression of opinion on the merits of the pending trial.
21. A copy of this order be sent to the concerned Jail Superintendent *forthwith* for information and compliance.
22. The petition stands disposed-of.
23. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 3, 2024/ak