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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3248/2022, CRL.M.A.27475/2022**

DEEPAK GOYAL

..... Petitioner

Through: Mr. Ramesh Gupta, Sr. Advocate
with Mr. Vikram Aggarwal, Mr.
Manit Gupta, Mr. Shailendra Singh,
Mr. Harsh Choudhary, Mr. Ishaan
Jain, Mr. K.R. Dogra and Mr.
Pushpendra, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State
with Insp. Govind Singh and SI Johny
Singh, P.S. Uttam Nagar.
Mr. Maninder Singh, Sr. Advocate
with Mr. Amit Chadha, Ms. Smriti
Asmita, Ms. Smriti Shrivastava and
Ms. Aeshana Singh, Advocates for
complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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09.04.2024

1. By way of present application filed under Section 439 Cr.P.C., the petitioner/applicant seeks regular bail in FIR No.229/2013 registered under Sections 420/467/468/471/120B IPC at PS Uttam Nagar, Delhi.
2. Learned Senior Counsel for the applicant states that consequent to dismissal of applicant's bail application by this Court on 22.02.2022, the applicant had preferred a bail application before the learned Trial Court, however, the same came to be dismissed vide order dated 14.10.2022. He submits that considerable time has passed since the dismissal of the earlier



bail application and keeping in view the time spent by the applicant in incarceration, he be released on regular bail. He further states that charges in the present case are yet to be framed.

3. The bail application is vehemently opposed by the learned APP for the State, duly assisted by the learned Senior Counsel for the complainant. It is contended that the delay in trial is on account of the accused persons, as they have been repeatedly seeking time to address submissions on charge, on the ground that they have preferred a quashing petition before this Court.

4. A perusal of the paper book would show that this Court vide a detailed order had dismissed the bail application of the applicant on 22.02.2022. In this regard, learned Senior Counsel for the applicant has referred to the decision in Babu Singh And Ors v. State Of U.P. reported as **(1978) 1 SCC 579**. However, a reading of the said decision would show that while it has been observed that an order refusing an application for bail does not necessarily preclude another application seeking the same relief, however, the same is maintainable subject to more material, further developments and different considerations. In the instant case, the applicant's earlier bail application was dismissed by detailed order, while prima facie considering the merits of the case as well as the fact that the applicant was declared a proclaimed offender and that he came to be arrested after considerable time. A reading of the proceedings of the Trial Court would also show that it is the accused persons who have been taking time in addressing submissions on the point of charge.

5. While dismissing the previous application of the applicant, this Court in its order dated 22.02.2022, observed that the dispute related to the cheating committed by the applicant (and one of his family members) in the



name of selling certain floors in certain properties and land and having received consideration for the same. However, during investigation, it was revealed that the same were already mortgaged with different banks/financial institutions. It was also noted that the applicant had misused/abused the concession of interim bail granted to him inasmuch as 14 cases came to be registered against him for offences committed during the period of release as also the fact that he absconded and could not be arrested for about 2 years, 4 months. The Court observed as under:-

“xxx

20. Adverting to the present case, this Court is constrained to note that the applicant has scant regard for the law. He has not only abused the concession of interim bail granted by the Sessions Court as well as this Court to commit further offences, but also misused the concession of interim bail granted by this Court vide order dated 28.05.2018 by not availing the same for the sole purpose for which it was granted and managing to get released later, whereafter he absconded and could be arrested after more then 02 years and 04 months. Even though the applicant is stated to have been in custody for about 41 months, a perusal of the record would show that he has time and again tried to delay or evade the process of law.

Keeping in view the legal position set out in the decision referred to hereinabove, the instances of forgery committed by the applicant, not only in the transactions entered with the complainant but also with various banks/financial institutions which are stated to have filed their complaints as well, and his propensity to commit an offence of similar nature in future, besides the risk of his fleeing from justice, this Court is not inclined to admit the applicant on bail. Accordingly, the application is dismissed.

xxx”

6. In view of the aforesaid discussion, it can be seen that no change of



circumstance as such has been put forth by the applicant, entitling him to be released on bail, especially when the earlier bail application has been dismissed vide a detailed order. Thus, I find no ground to entertain the present bail application and the same is accordingly dismissed along with pending application.

MANOJ KUMAR OHRI, J

APRIL 9, 2024/rd