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

\+ CRL.M.C. 7540/2023

RANJEET KUMAR SINGH .....Petitioner

Through: Mr. Amit Kumar, Advocate.

versus

THE STATE GOVT. OF NCT OF DELHI & ANR. .....Respondents

Through: Mr. Sanjeev Sabharwal, APP for State with SI Jasbir Malik, P.S. Kapashera.

AND

CRL.M.C. 7587/2023

RANJEET KUMAR SINGH .....Petitioner

Through: Mr. Amit Kumar, Advocate.

versus

THE STATE GOVT. OF NCT OF DELHI & ANR......Respondents

Through: Mr. Sanjeev Sabharwal, APP for State with SI Jasbir Malik, P.S. Kapashera.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

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

% **06.08.2024**

1. By way of above-noted petitions filed under Section 439(2) Cr.P.C., the petitioner seeks to assail the order dated 25.07.2023 passed by Ld. Sessions Court whereby respondents namely, *Sunil Yadav* and *Zhagender Yadav* have been admitted to anticipatory bail in FIR No. 466/2019 registered under Sections 420/34 at P.S. Kapashera.

2. Since the common submissions have been made on behalf of the petitioner as well as both the respondents therefore, both petitions are considered and disposed of by this common order.

3. During the course of submissions, it is informed that while admitting the respondents on anticipatory bail, Ld. Sessions Court, vide order dated 16.03.2020, had directed the private respondents to deposit Rs.27 lacs. It appears that respondents had admitted the receipt of Rs.27 lacs as part of the business transaction. It is further informed that the said condition of deposit of Rs.27 lacs didn't find favour with the Supreme Court which, vide its order dated 22.02.2023, directed the complainant/petitioner to return the amount of Rs.27 lacs which was deposited by the respondents and also directed the Ld. Sessions Court to decide the anticipatory bail application afresh. In light of the aforesaid directions, the impugned order came to be passed whereby respondents have been admitted to anticipatory bail *albeit* without any direction to deposit the money.

4. The challenge in the present petition is premised on the ground that the impugned order failed to appreciate that the respondents had induced the complainant to part with a sum of Rs.34 lacs as well as a sum of Rs.17 lacs in cash and despite receiving the said amount, respondents failed to honour their commitment. It is also stated that the respondents are habitual offenders and involved in similar other cases.

5. The petitions are resisted by the learned counsel for the respondents who stated that the underlying transaction between the parties was with respect to a building that was agreed to be given to the complainant/petitioner for running a hotel. It is contended that at the petitioner's offer, the respondents modified the building at their expenses

and the amount received from the petitioner was to be adjusted towards the rent. However, a dispute arose with respect to the quantum of rent, resulting in the registration of the present FIR. However, these submissions are disputed by the learned counsel for the petitioner.

6. Be that as it may, ld. APP for the State submits that the charge-sheet has been filed under Sections 420/120B IPC. The offence under Section 420 IPC entails punishment upto 7 years. Without going into the respective merits of the contentions of the parties, this Court takes note of the decision and guidelines issued in Arnesh Kumar *v.* State of Bihar reported as **(2014) 8 SCC 273.**

7. Ld. APP for the State, on instructions from the IO, states that the respondents have already joined the investigation. Considering the aforesaid and the fact that charge stands filed under Section 420 IPC and that dispute is commercial in nature, I find no ground to interfere with the impugned order consequently, the petition is dismissed.

MANOJ KUMAR OHRI, J

AUGUST 6, 2024

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