$~13

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

\+ BAIL APPLN. 2503/2024, CRL.M.A. 20918/2024

RAJBIR SINGH .....Petitioner

Through: Mr. Sanjeev Kumar and Mr. Ram Kamal Prasad, Advocates alongwith son of applicant.

versus

STATE .....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State with Insp. Rajeev Yadav and SI Lalit Kumar, P.S. Bindapur.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

O R D E R

% 24.07.2024

1. By way of present application, the applicant seeks regular bail in FIR No. 155/2017 registered under Sections 420/467/468/120B/174A/ IPC at P.S. Bindapur, Delhi.

2. Learned counsel for the applicant states that besides the present applicant, allegations have been levelled against two more accused persons, namely, Anil Sharma and Rajesh Attri who have already been released on regular bail. The applicant is in custody since 07.02.2023.

On merits, it is submitted that that as per the allegations levelled in the FIR, the applicant is shown to be the owner of one M/s Star Housing Solutions India Pvt. Ltd. which owned the property in question. Learned Counsel points out that the complainant has alleged that the subject property was sold to him through his cousin, *Anil Sharma*, and the present applicant has not received any portion of sale consideration in his account. The three

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 02/07/2025 at 00:48:19

cheques totalling Rs. 97 lacs shown as sale consideration, were also dishonoured. He further submits that the subject property in the present FIR is also the subject matter in CBI RC No. 220/2018-E-005-EOU-V EO-II in which the allegations pertain to obtaining a bank loan on the said property. The applicant has been released in the aforesaid CBI case vide order dated 31.08.2023.

3. The bail application is vehemently resisted by the Ld. APP for the State as well as complainant who has appeared in person and argued the case. Ld. APP states that co-accused *Anil Sharma* is the cousin of the complainant at whose behest the complainant had agreed to purchase the subject property. It is stated that on the asking of *Anil Sharma*, the complainant transferred the entire sale consideration through RTGS in the account of one M/s Vaibhav Enterprises. The cheques totalling to Rs.97 lacs were not issued towards the sale consideration. It is further stated that later on the pretext of selling the subject property to a prospective buyer, the complainant's cousin *Anil Sharma* had taken away the original title documents of the subject property which was then used as guarantee for obtaining a loan by *Rajesh Attri* from Indian Overseas Bank. It is stated that the present applicant had stood guarantee in the said loan despite knowing the fact that he had already sold the property to the complainant. It is also stated that later on, the subject property was again sold to another person.

4. The bail application is accompanied by the charge-sheet as well as supplementary charge-sheet. It is the case of the applicant that insofar as invocation of Section 174A Cr.P.C is concerned, the said aspect was considered by the CBI court whereafter the applicant was admitted to bail. It is stated that the applicant never received summons for appearance and

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 02/07/2025 at 00:48:19

when he came to know about the same, the applicant duly surrendered on 07.02.2023. Admittedly, the co-accused have already been released on regular bail. Applicant is also stated to have been released in another FIR No. 147/2022 vide order dated 09.11.2023. Considering the facts and circumstances as well as the fact that applicant is in custody since 07.02.2023 and has already been released in the case registered by CBI, it is directed that the applicant be released on regular bail subject to him furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/ concerned Court/Duty M.M. and subject to the following further conditions :-

i) The applicant shall not leave the NCR without prior permission of the concerned Court.

ii) The applicant shall provide her mobile number to the Investigating Officer on which she will remain available during the pendency of the trial.

iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.

iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.

v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

5. The bail application is disposed of in the above terms alongwith pending application.

6. Copy of the order be communicated to the concerned Jail Superintendent for information and necessary compliance.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 02/07/2025 at 00:48:19

7. Needless to state that the observations made hereinabove are only for the purpose of disposal of present bail application and which shall not have a bearing on the trial of the case.

MANOJ KUMAR OHRI, J

JULY 24, 2024
ga

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 02/07/2025 at 00:48:19