



\$~3

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

+ **BAIL APPLN. 3532/2023**

AMARDEEP SINGH

..... Petitioner

Through: Mr. Arjun Malik and Mr. Divesh
Monga, Advocates.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Nawal Kishore Jha, APP for State
with SI Sandeep PS DBG Road, New
Delhi.

Mr. N. Hariharan, Senior Advocate
with Mr. Prateek Bhalla, Ms. Punya
Rekha, Mr. Mueed Shah, Mr. K.G.
Tyagi, Mr. A.K. Dua and Mr.
Siddharth S. Yadav, Advocates for
complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

03.05.2024

%

1. The present application has been filed by the petitioner/applicant under Section 438 read with Section 482 Cr.P.C. seeking anticipatory bail in FIR No. 128/2018 registered under Section 420/34 IPC at P.S. DBG Road, New Delhi.

2. Learned counsel for the applicant contends that the applicant has been falsely implicated in the present case, at the behest of the complainant, even though he has not received any money from him. It is submitted that as per the case of the complainant, the subject land was sold to *Pyare Lal Gupta* by the co-accused *Vimal Manchanda*, on the basis of a GPA, allegedly executed by the present applicant. It is stated that even the cheque allegedly issued by



Vimal Manchanda to the present applicant has also been dishonoured. Further, the applicant has never met either the complainant *Ashish Gupta* or the purchaser *Pyare Lal Gupta*. It is further stated that co-accused *Vimal Manchanda* has already been granted anticipatory bail. It is stated that the subject land was in fact initially owned by the applicant's father namely *Kirpal Singh* and after his demise, by the applicant's mother namely *Gursharan Kaur*. In the year 2015, the applicant became aware that an illegal mutation had been carried out by one *Mahesh Bhati* and the same was cancelled on 11.05.2015. It is further stated that the applicant has joined investigation. It is also informed that vide order dated 18.09.2019, the Consolidation Officer has held that the subject land remains in the name of the present applicant.

3. The bail application is opposed by learned APP for the State, duly assisted by learned Senior Counsel for the complainant. It is contended that applicant's mother had sold the subject land to *Ramrikh*, *Ramji Lal* and *Ramu* on 30.07.1996, who had further sold it to *Mahesh Bhati* in the year 1999. A mutation entry to the said effect was also carried out in the name of *Mahesh Bhati*. Despite the aforesaid, the applicant first sought cancellation of mutation in the year 2015 and also executed the GPA/Will in favour of co-accused *Vimal Manchanda*, on the basis of which the subject land came to be sold on 09.11.2015. The complainant has paid a hefty sum of Rs.4.5 crores, out of which Rs.1.25 crores was given by way of cheque to the co-accused *Vimal Manchanda*. The remaining amount was statedly paid in cash, however, there is no receipt for the same.

4. I have heard learned APP for the State and learned counsel for the parties and have also perused the material placed on record.



5. The dispute in the present case relates to the sale transaction of the subject land. While the complainant maintains that there is a chain of documents which clearly show that the mother of the applicant had sold the land, however, the said chain of documents statedly has not been seized by the Investigating Officer. During the course of submissions, it has been stated that *Ramrikh* and *Mahesh Bhati* are not traceable. The transaction in the instant case relates to the year 2015 whereas the subject FIR came to be registered only in the year 2018.

6. Keeping in view the aforesaid facts and circumstances including the fact that the applicant has joined the investigation, the interim protection granted to the applicant vide order dated 18.10.2023 is made absolute and it is directed that in the event of arrest, the applicant be released on bail subject to him furnishing a personal bond in the sum of Rs.50,000/- with one surety of like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station and also subject to the following further conditions:-

- (i) At the time of furnishing bail bond, the applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.
- (ii) The applicant shall join the investigation as and when asked.
- (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.
- (iv) In case of change of residential address/contact detail, the applicant shall promptly inform the same to the concerned Investigating Officer/SHO.



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

(vi) The applicant shall regularly appear before the trial Court as and when the charge sheet is filed.

7. The application is disposed of in the above terms.

8. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

MAY 3, 2024/rd