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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 3943/2023

SUMIT SINGH

..... Applicant

Through: Mr. Sandeep Tyagi, Mr.
Ashish Goyal & Mr.
Sudesh Pal Malik, Advs.

versus

STATE (NCT O F DELHI)

..... Respondent

Through: Mr. Utkarsh, APP for the
State along with Adv.
Priyanka.
SI Vineet Pratap Singh, PS
Madhu Vihar.
Mr. Ravi Kaushal, Adv.
for complainant.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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10.04.2024

1. The present application is filed under Section 438 of the Code of Criminal Procedure, 1973 ('CrPC') seeking pre-arrest bail in FIR No. 375/2023 dated 24.07.2023, registered at Police Station Madhu Vihar, for offences under Section 420/34 of the Indian Penal Code, 1860.
2. Pursuant to the settlement arrived at between the parties by way of Memorandum of Understanding / Settlement Deed dated 19.12.2023, the applicant has paid a sum of ₹14 lakhs out of the total agreed settlement amount of ₹1.05 crores.
3. The learned counsel for the complainant submits that he has no objection if the applicant is admitted to bail subject to him undertaking to fulfil all the terms and conditions of the Settlement.
4. The learned counsel for the applicant, on instructions from

BAIL APPLN. 3943/2023

Page 1 of 3



the applicant undertakes that the terms and conditions of the Settlement Deed will be duly complied with. He further submits that if the applicant fails to comply with the terms of the payment, he can be prosecuted for contempt of court.

5. The present case relates to the allegations that the complainant had supplied certain pharmaceutical products to the applicant for which he did not pay the entire amount.

6. It is alleged that the applicant adopts a similar *modus operandi* where he pays certain amounts in the beginning and then issues a cheque for the rest of the amount which gets dishonoured on presentation.

7. The complainant, however, does not dispute that he on his own free will has entered into a settlement with the applicant, pursuant to which he has also received a part settlement amount.

8. In the opinion of this Court, the custodial interrogation of the applicant is not required.

9. In view of the above, it is directed that the applicant, in the event of arrest, be admitted on bail on furnishing a bail bond for a sum of ₹50,000/- with one surety of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- i. The applicant shall join and cooperate with investigation as and when directed by the Investigating Officer;
- ii. The applicant shall not leave the country without the permission of the learned Trial Court;
- iii. The applicant shall not contact the complainant or tamper with the evidence in any manner;
- iv. The applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone

BAIL APPLN. 3943/2023

Page 2 of 3



switched on at all times.

vi. The applicant would comply with the terms and conditions of the Settlement Deed dated 19.12.2023.

10. In the event of there being any FIR/DD entry / complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

11. It is clarified that observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the Trial and also not be taken as an expression of opinion on the merits of the case.

12. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

APRIL 10, 2024

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