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

+ CRL.M.C. 8748/2023

MAHESH GUPTA

..... Petitioner

Through: 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.

versus

THE STATE GOVT OF
NCT OF DELHI & ANR

..... Respondents

Through: Mr. Nawal Kishore Jha, APP for State
with SI Sandeep PS DBG Road, New
Delhi.
Mr. Sermon Rawat and Mr. Vansh
Kapoor, Advocates for respondent
No.2.

+ CRL.M.C. 1461/2024

MAHESH GUPTA

..... Petitioner

Through: 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.

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr. Nawal Kishore Jha, APP for State
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Mr. Sermon Rawat and Mr. Vansh
Kapoor, Advocates for respondent
No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

03.05.2024

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1. By way of present petitions filed under Section 439 (2) read with



Section 482 Cr.P.C, the petitioner/complainant seeks cancellation of anticipatory bail granted to the respondent No.2 vide order dated 19.06.2023 passed by the learned ADJ-04, Central (Vacation Judge), Tis Hazari Courts, Delhi in Bail Application No.1042/2023 in the matter arising out of FIR No.128/2018 registered under Section 420/34 IPC at PS DBG Road.

2. Since both these petitions have been filed against the order granting anticipatory bail to respondent No.2 *Vimal Manchanda*, the same are disposed of vide this common order.

3. Mr. N. Hariharan, learned Senior Advocate appearing for the petitioner/complainant states that respondent No.2, on the basis of GPA and Will executed by co-accused *Amardeep Singh*, sold the subject land to *Pyare Lal Gupta*, despite knowing fully well that the subject land already stood sold to *Ramrikh*, *Ramji Lal* and *Ramu* on 30.07.1996, who had further sold it to *Mahesh Bhati* in the year 1999. It is also contended that the learned Trial Court, while passing the impugned order, failed to appreciate that co-accused *Amardeep Singh*, with malafide intentions, obtained cancellation of mutation made in the name of *Mahesh Bhati*, by way of an ex parte order. It is further stated that the respondent No.2 has entered into a settlement with *Pyare Lal Gupta* on 05.11.2019 arrived at before Mediation Centre, Saket Courts, New Delhi, however the cheques issued in lieu of the settlement were dishonoured on presentation. Lastly, it is contended that respondent No.2 had not disclosed to the Court that he is a holder of permanent residency in Canada and is at flight risk.

4. The petitions are vehemently opposed by learned counsel for the respondent No.2, who states that the impugned order itself records that the applicant's wife and son resides in Canada. He further submits that the



respondent No.2 continues to hold an Indian passport and volunteers that he would seek permission of the Trial Court before travelling abroad. On merits, it is stated that the applicant had only acted based upon the GPA executed and further states that the alleged subject transaction relates to the year 2015. Reference is also made to the order dated 18.09.2019 passed by the Consolidation Officer, wherein it was held that the subject land belongs to the co-accused *Amardeep Singh*. Lastly, it is stated that respondent No.2 has not misused the concession of anticipatory bail granted to him.

5. I have heard learned counsel for the parties and perused the record.

6. The dispute relates to the year 2015. The respondent No.2 was granted the concession of anticipatory bail vide the impugned order. The present petitions have been filed not by the complainant but by his son *Mahesh Gupta*. It is further informed that respondent No.2 has joined the investigation in pursuance to the notice issued to him under Section 41A Cr.P.C.

7. Considering that the case is based upon documentary evidence and the further fact that co-accused *Amardeep Singh* has been released on anticipatory bail, no ground to interfere with the impugned order is made out. The petitions are accordingly dismissed.

However, insofar as the bail conditions are concerned, there is modification to the extent that in case respondent No.2 has to travel abroad, he would take prior permission from the concerned Trial Court.

8. The petitions are disposed of in above terms.

MANOJ KUMAR OHRI, J

MAY 3, 2024/rd