



\$~116

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

+ **BAIL APPLN. 4072/2023**

BHARAT CHUGH

..... Petitioner

Through: Mr. Vikram Kumar, Mr. Navneet R.,
Ms. Anushka Kumar and Mr.
Khursheed Ahmed, Advocates.

versus

STATE

..... Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
with Inspector Lalit Chauhan PS
Gulabi Bagh, Delhi.
Mr. Jatan Singh, Mr. Siddharth Singh,
Mr. Tushar Lambo and Ms. Vanshika
Adhana, Advocates for complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

29.01.2024

%

1. By way of present bail application filed under Section 439, the applicant/petitioner seeks regular bail in FIR No.247/2023 registered under Sections 406/420/467/468/471/506/120B IPC at Police Station Gulabi Bagh, Delhi.
2. Learned counsel for the applicant states that the applicant was arrested on 31.10.2023 and has been in judicial custody since then. It is further stated that the charge-sheet has already been filed and that custodial interrogation of the applicant is not required. He further submits that in the present case, there is no documentary evidence available on record which connects the applicant with the offence and further there is no material collected during investigation showing connectivity of the applicant with the complainant.
3. It is submitted that the complainant had initially filed a complaint



before P.S. Swaroop Nagar, Delhi whereafter an application under Section 156(3) Cr.P.C. came to be filed. The applicant has joined investigation in pursuance of service of notice under Section 41A Cr.PC. During the pendency of the said application, the complainant filed a verbatim second complaint with P.S. Gulabi Bagh, Delhi, whereafter an application under Section 156(3) Cr.PC was filed, resulting in the registration of the present FIR.

4. Learned APP for State duly assisted by Mr. Jatan Singh, learned counsel appearing for the complainant, has vehemently opposed the bail application. It is submitted that the applicant had approached the complainant during COVID time on the pretext that he had obtained a tender from the NAFED, and on the said basis, he procured supply of rice amounting to Rs.2 crores. Further, despite receipt of the same, the applicant did not pay the amount. Further, it is stated that the applicant was found absconding and arrested later from Jalandhar. He has no permanent abode, thereby making him a flight risk.

5. At this stage, on the aspect of the applicant being a flight risk having no permanent abode, it has been stated by the learned counsel for the applicant that the applicant would stay at the residence of his brother-in-law and applicant's wife and/or brother-in-law shall stand surety for him. The applicant also volunteers to surrender his passport.

6. I have heard the learned counsel for the parties and have also perused the material on record.

7. Apparently, the documents collected by the Investigating Officer are supply invoices and transport bills. None of the said documents carry signatures of the applicant or his employees. It is further stated that though



the supply is stated to have taken place in the month of November, 2020, the applicant had already vacated the premises in June, 2020 and in this regard, statement of the landlord has already been recorded. A status report has also been placed on record stating the said facts.

8. Considering the totality of the facts and circumstances coupled with the fact that the charge-sheet has already been filed and the fact that the applicant has been in custody since 31.10.2023, it is directed that the subject to verification of applicant's address where he would stay, the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.50,000/- with one surety who shall be either the wife or brother-in-law of the applicant 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 provide his mobile number to the Investigating Officer on which he 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.

9. The bail application is disposed of in the above terms.

10. Copy of the order be communicated to the concerned Trial Court.



11. Copy of the order be also communicated to the concerned Jail Superintendent electronically for information.
12. Copy of the order be uploaded on the website forthwith.
13. 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

JANUARY 29, 2024/rd