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

\+ BAIL APPLN. 4167/2023

SANJAY SAINI .....Petitioner

Through: Mr. Sagar Dawar, Adv.

versus

STATE .....Respondent

Through: Mr. Sanjeev Bhandari, ASC with Ms. Charu Sharma, Mr. Arijit Sharma, Mr. Viabhav Vats & Nikunj Bindal, Advs. for State.
Mr Manish Kumar, SI, NR-I/Crime Branch.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

<u>O R D E R</u>

% **06.09.2024**

1. This petition has been filed seeking bail in FIR 28/2021 PS Crime Branch under Section 419/420/467/468/471/120-B/34 IPC. The petitioner was arrested on 6th October, 2021. As per the case of prosecution, FIR was registered on the compliant of Shri Ramesh Kapoor alleging that he was the registered owner of the property bearing no.78, Bhera Enclave, Paschim Vihar, New Delhi which was a built-up house.

2. The complainant had rented the property and the first floor was vacant and was in possession of the complainant. In August, 2018, the complainant got to know from Union bank of India that various sale deeds have been executed by unknown persons in respect of the said property.

3. It later transpired that a housing loan of Rs.2.35 crores got sanctioned

from LIC Housing Finance Limited by some unidentified persons after executing a sale deed in respect of the ground floor of the property.

4. Later, it was found that one more application has been moved before Punjab National Bank, Kotla Mubarakpur Branch, and another term loan of Rs.217.50 lakhs has been sanctioned by PNB. In respect of the first floor of the property, another housing loan application has been moved before Canara Bank, Pitampura for which a loan of Rs. 95.80 lakhs had been sanctioned. All these have been moved on the strength of the fake registry of the property.

5. An FIR was registered. Documents collected establish, as per the status report, that a person impersonated the complainant before the Sub-Registrar and before the various finance organisations, to obtain loan for opening bank accounts, for the purposes of siphoning of the loan. Subsequently, other accused were found also involved in the matter, including the officials of the Canara Bank and Baldev Raj Arora, Rishi Saxena, Vijay Goel, Sanjeev Anand and the petitioner.

6. The sale deed executed was in favour of the petitioner for which the loan has been taken from PNB, Kotla Mubarakpur Branch.

7. As per the status report, money trail had been tracked of amounts which were siphoned off pursuant to getting loan. Out of the various co-accused, Shiv Nandan Pareek, Sanjiv Anand, Sanjay Soneja, Raj Kumar Soneja, Vijay Goel, Rishi Sachdeva, Rajat Jain and Deepak Malhotra have been released on bail, while Baldev Raj Arora is absconding and Mukesh Ranga is in judicial custody.

8. Counsel for the petitioner seeks bail on parity with *inter alia* Sanjiv Anand on the ground that the role ascribed to Sanjiv Anand is the same,

having taken the loan, channelizing the loan amount to his account and having prepared different PAN cards. The charge sheet has already been filed on 5th July, 2021; however, the charges are yet to be framed. Mr. Sanjeev Bhandari states that the supplementary chargesheet was filed on 23rd December, 2022.

9. Considering the circumstances that the investigation is complete and the charge sheet has been filed back in 2021, no purpose would be served in keeping the petitioner further in custody. The learned ASC states that he is implicated in other FIRs as well in FIR No.255/2018 and FIR 172/2020. As regards the FIR No.255/2018, it is stated that he has been given bail but he is in custody in FIR No.172/2020 registered under Section 419/420/467/468/471/120B IPC.

10. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner.

11. Consequently, the petitioner is directed to be released on bail, if not required to be in custody in any other matter, on furnishing a personal bond in the sum of Rs. 1,00,000/- with one surety of the like amount, subject to the satisfaction of the Trial Court, further subject to the following conditions:

i. Petitioner will not leave the country without prior permission of the Court.

ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.

iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.

iv. Petitioner shall join investigation as and when called by the IO concerned.

v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.

vi. Petitioner will mark presence physically before the concerned I.O. every Friday at 4 p.m., and will be not kept waiting for more than an hour.

vii. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.

12. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

13. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

14. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

15. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 6, 2024

Ch *Click here to check corrigendum, if any*