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

+ **BAIL APPLN. 805/2021 & CRL.M.A. 3861/2021(Stay)**

PRABHAT SENGAR

.....Petitioner

Through: Mr. Raj Kumar, Adv. (through VC)
versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for the
State.

SI Devender Singh and SI Paritosh
Rathi, PS EOW.

Mr. Harshit Jain, Mr. Shubham Singh,
Mr. Rahul Kumar, Advs. for the
complainant.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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02.04.2025

1. This hearing has been done through hybrid mode.
2. The present application under Section 438 of the Cr.P.C. seeks anticipatory bail in case FIR No. 145/2020 under Sections 420/406/120B of the IPC registered at P.S. Economic Offences Wing.
3. On the very first date of hearing *i.e.*, 08.03.2021, learned Predecessor Bench of this Court referred the parties to the Delhi High Court Mediation and Conciliation Centre by observing as under: -

“5. The brief facts are the petitioner is an owner of a factory premises at Bhaadi, Himachal Pradesh and since he suffered huge losses and his bank account with Bank of India, New Delhi was declared NPA; he entered into a transaction with the financier /complainant herein who agreed to pay the entire amount due against the petitioner's company to Bank of India - under a One Time Settlement (OTS) viz Rs.234 Lacs. The petitioner's company



entered into an Agreement To Sell (ATS) dated 29.01.2019 for a total sum of Rs.266 lacs; out of which Rs.234 Lacs were payable to the Bank of India and rest of the amount was payable to the petitioner/accused. The last date of execution of the sale deed as per ATS dated 29.01.2019 was 25.03.2019. Though part amount was paid prior to 25.03.2019, but later the duration of the ATS was extended till 02.07.2019.

6. It is an admitted fact the amount due to the Bank of India under OTS was paid by the complainant, but the petitioner did not execute the sale deed even thereafter, per allegations. However, it is submission of the learned counsel for the petitioner even after making the payment of OTS, Rs.55.40 lacs were due to be paid, and it was only after the full payment was made, the petitioner was to execute the sale deed in favour of the complainant. The legal notices were sent by the complainant as also by the petitioner, annexed with the petition.

7. The dispute between the parties is as to if the balance amount has been paid to the petitioner or not. The learned counsel for the petitioner submits if the balance amount is paid by the complainant, the petitioner is very much inclined to execute the sale deed in favour of the complainant.

8. At this stage, both the learned counsel for parties are inclined to resolve the issue through mediation so that the actual amount payable to petitioner may be ascertained and sale deed can be executed by petitioner on receipt of balance amount in favour of the complainant.”

4. During the pendency of the present application the parties had arrived at a settlement which has been recorded *vide* order dated 23.08.2024 as under:-

“1. It is agreed between the parties that the amount of Rs.55 lakhs would be deposited in this Court by the Complainant within a period of four weeks from today.

2. On the payment of the said amount of money, the sale deed will be executed in terms of the agreement to sell. The amount shall be deposited in this Court on or before 20.09.2024 and the sale deed shall be executed between the parties on or before 27.09.2024.

3. List on 04.10.2024 for further proceedings.”



5. Learned counsel appearing on behalf of the complainant submits that the sum of Rs. 55,00,000/- will be deposited before the Worthy Registrar General of this Court within a period of 2 months. The learned counsel for the applicant submits that within 15 days thereafter, the sale deed shall be executed in terms of the agreement to sell.

6. In view of the aforesaid, the present application is allowed, the applicant is directed to be released on bail in the event of arrest on furnishing a personal bond in sum of Rs. 20,000/- with one surety of like amount, subject to the satisfaction of the Investigating Officer/Arresting Officer/ Trial Court/ Link Court, further subject to the following conditions:-

- i. The applicant shall not leave the country without prior permission of the learned Trial Court.
- ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The applicant shall join investigation as and when called by the Investigating Officer concerned.
- v. The applicant will not try to influence the witnesses in any manner.
- vi. The applicant shall provide his mobile number to the Investigating Officer and intimate about any change.

7. In view of the above, the complainant shall deposit the amount of Rs. 55,00,000/- before the Worthy Registrar General of this Court within a period of 2 months from today. The applicant shall execute the sale deed in terms of



agreement to sell within a period of 15 days, thereafter.

8. The application stands disposed of.

9. Pending application(s), if any are also disposed of.

10. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail application.

11. Order be communicated to the concerned Investigating Officer for necessary information and compliance.

12. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

APRIL 2, 2025/kr/sc

Click here to check corrigendum, if any