

Sanjay Mishra vs.state

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Court : Delhi

Decided On : Jul-31-2017

Appellant : Sanjay Mishra

Respondent : State

Advocate for Def. : Mr. Mukesh Kumar

Judgement :

\$-30 * + IN THE HIGH COURT OF DELHI AT NEW DELHI BAIL APPLN. 1232/2017 SANJAY MISHRA .Petitioner Through: Mr.Dushyant Sisodiya, Advocate. Versus STATE .Respondent Through: Mr. Mukesh Kumar, APP for the state alongwith S.I. R.R. Hudala from Police Station Dwarka, Sector 23. CORAM: HONBLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

3107.2017 1. By this petition filed under Section 438 of Code of Criminal Procedure 1973, the petitioner seeks anticipatory bail in F.I.R No.248/2015 under Section 380/419/420/467/468/471/120B/34 of Indian Penal Code, registered at Police Station Dwarka Sector -23, New Delhi.

2. The facts, in brief, as mentioned in the complaint are that the complainant Navneet Singh Bhatia alleged that accused Manmeet Singh Bhatia (Real Brother of Complainant) stole the original property documents in respect of flat No.106, Type M, Block 8, Kendriya Vihar, Sector. 56 Gurgaon, Haryana, of the

complainant and sold the same to accused Charanjeet Singh on 11.08.2014 by forging his signature.

3. Learned counsel for the petitioner contended that the petitioner is not involved in the present case as his name is neither mentioned in the FIR nor in the chargesheet. He further contended that the main accused, Manmeet Singh Bhatia against whom the whole conspectus of allegations revolves, has already been released on bail. Learned counsel urged that Bail Appl.1232/2017 Page 1 of 3 the petitioner hails from a respectable family and has got clean antecedents to his credit and has already joined the investigation on 01.07.2017 and 02.07.2017 and prayed that the petitioner be released on anticipatory bail.

4. On the converse by learned. APP, contended that benefit of anticipatory bail should not be accorded to the petitioner as he is one of the conspirator in the fraudulent sale of property and also siphoning of the loan amount.

5. I have heard both the learned counsel for the parties and perused the material available on record.

6. As per the status report the petitioner a property dealer approached another property dealer, namely O.P. Yadav for finding a tenant as Navneet Singh Bhatia had approached and assigned this job to him. It was further mentioned in the status report that the petitioner was having knowledge that the property in question belonged to the complainant Navneet Singh Bhatia since he was working with the accused Manmeet Singh Bhatia despite which he signed as a witness on the receipt of Rs. 6,00,000/- and Rs. 10,00,000/- which were paid by accused Charanjeet Singh on 16.07.2014 and 20.07.2014, respectively to Manmeet Singh Bhatia. It was further mentioned in the status report that complainant also gave a whats app message printout in which there is a communication which shows that the petitioner himself was part of the conspiracy and initially he applied for the loan of Rs. 64 lakhs but due to adverse CIBIL report it never materialized.

7. During the investigation though the investigating officer could lay his hands on a receipt of Rs.6,00,000/- and Rs.10,00,000/- and a rent deed executed by Navneet Singh Bhatia and Nikunj Garg, there is nothing on Bail Appl.1232/2017 Page 2 of 3

record from which it can be gathered that the petitioner had the knowledge that Manmeet Singh Bhatia was impersonating as Navneet Singh Bhatia and that he was hand in glove with Manmeet Singh Bhatia. Though there are allegations that the petitioner had applied for a loan of Rs.60 lakhs against the said property and the same was refused due to adverse CIBIL report but no material to this effect has been placed on record.

8. Taking into consideration the aforesaid observations and the facts, I find sufficient grounds to grant anticipatory bail to the petitioner, subject to the following terms and conditions:-

"(i) That the petitioner shall furnish a personal bond in the sum of Rs.25,000/- with one surety of the like amount subject the satisfaction of Arresting Officer/SHO concerned; (ii) That the petitioner shall cooperate with the investigation and make himself available for interrogation by police officer, as and when required; 9. Before parting with the order, it is relevant to mention that nothing contained in this order shall be construed as an expression on the merits of the case.

10. Order accordingly, application stands disposed of. SANGITA DHINGRA SEHGAL, JULY, 31, 2017 /gr Bail Appl.1232/2017 Page 3 of 3

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