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Ravinder vs.state

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Court : Delhi

Decided On : Mar-27-2019

Appellant : Ravinder

Respondent : State

Judgement :

$~3 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + BAIL APPLN. 337/2019 Judgment delivered on:

27. 03.2019 RAVINDER STATE versus .....

... Petitioner
..... Respondent Advocates who appeared in this case: For the

... Petitioner
: Mr.Ajay Burman, Sr.Adv. with Ms.Tanya Harnal, Ms. Sadhvi Gaur and Mr.Sahil Verma, Advs. For the Respondent : Ms.Kusum Dhalla, Addl. PP for the State with Insp.Yogendra Kumar, P.S.EOW. Mr.Ashok Arora, Mr.Rajeshwar Dagar and Mr.Nagender Deswal, Advs. for the complainant. CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA JUDGMENT SANJEEV SACHDEVA, J.

(ORAL) 1.

... Petitioner

seeks regular bail in FIR No.275/2017 under Sections 419/420/477A, Police Station: Sector 23 Dwarka, (South West). The investigation now stands transferred to Police Station: Economic Offences Wing.

2. Allegations in the FIR, which was registered on the complaint of the Administrator, appointed by the Government, are that he noticed unauthorised withdrawal of monies of the society and payment to several individuals. BAIL APPLN.337/2019 Page 1 of 4 3.

... Petitioner
was not named in the FIR but the investigation revealed that certain funds have been received by the petitioner from the account of the society. Status report dated 08.03.2019 indicated that the Administrator had stated that Rs.1.09 crores had been withdrawn from the society. Subsequently, a complaint was received from one Mr. Abhishek Sehrawat that the funds of the society amounting to approximately Rs.4,19,25,000/- had been withdrawn.

4. Status report dated 08.03.2018 showed that a sum of Rs.2 lakhs was transferred in the account of the petitioner and further trail of money was being ascertained. Fresh Status report dated 25.03.2019 has been filed which indicates that apart from Rs.2 lakhs, a sum of Rs.2.70 crores have been transferred to the account of the petitioner.

5. Learned senior counsel for the petitioner submits that the petitioner is a building material supplier who had supplied material for the construction of 131 the flats of the society which was undertaken during the period 2005-2011. The accounts were never settled as all the members had not contributed and sufficient fund was not available to the builder.

6. It is submitted that the building material was supplied to the contractor M/s. Tirupati Constwell Pvt. Ltd. and as and when the members were making the payments, the amount was being withdrawn from the account of the society and disbursed to various contractors/building material suppliers.

7. Learned senior counsel for the petitioner submits that the amount which has been received by the petitioner from the society is only towards BAIL APPLN.337/2019 Page 2 of 4 the material supplied to the builder for the construction of the 131 flats of the society and is duly documented in the books of accounts of the petitioner.

8. Learned senior counsel for the petitioner further submits that the complaint given by Mr. Abhishek Sehrawat was motivated as there is a dispute between him and the builder and the petitioner has been dragged into that litigation. He submits that Mr. Abhishek Sehrawat had earlier also been instrumental in filing two proceedings before the Court and a Division Bench of this Court had aversely commented upon the same.

9. Learned APP for the State, under instructions from the Investigating Officer, submits that as per the material collected, approximately Rs.75 crores was to be spent on the construction of the 131 flats and though the construction was concluded in the year 2010-2011, as on that date, only about Rs.40 crores had been received from the members and the balance amount was being received by the society as and when the members would come forward to take possession of their flats.

10. Learned APP for the State submits that the investigation is still underway with regard to the trail of funds and also with regard to the claim of the petitioner that the payment was for the material was supplied or not. Learned APP for the State submits that the investigation so far has not revealed any incriminating material to suggest that the petitioner has siphoned of any fund or that the claim of the petitioner that the money received by him was towards the supply of material is false. She, however, submits that the investigation is underway and as and when the same is concluded, supplementary chargesheet shall be filed in Court. BAIL APPLN.337/2019 Page 3 of 4 11.

... Petitioner
has been in custody since 08.10.2018.

12. Chargesheet has already been filed, however, investigation, as informed by learned APP for the State, is still underway and supplementary chargesheet is likely to be filed.

13. Without commenting on the merits of the case and keeping in view the totality of facts and circumstances of the case, I am satisfied that the petitioner has made out a case for grant of regular bail.

14. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the Trial Court, petitioner shall be released on bail, if not required in any other case.

... Petitioner
shall not do anything which may prejudice the investigation, trial or the prosecution witnesses.

15. Petition is allowed in the above terms.

16. Order Dasti under signatures of the Court Master. MARCH27 2019/st SANJEEV SACHDEVA, J BAIL APPLN.337/2019 Page 4 of 4

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