

Gurbaksh Singh Sachdeva vs.state

Gurbaksh Singh Sachdeva vs.state

SooperKanoon Citation : sooperkanoon.com/1222857

Court : Delhi

Decided On : Apr-29-2019

Appellant : Gurbaksh Singh Sachdeva

Respondent : State

Judgement :

\$~12 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + BAIL APPLN.
746/2019 Judgment delivered on:

29. 04.2019 GURBAKSH SINGH SACHDEVA

... Petitioner

versus STATE Respondent Advocates who appeared in this case: For the

... Petitioner

: Mr.R.N.Sharma, Adv. For the Respondent : Mr.Hirein Sharma, APP with SI
Shrikrishna, P.S.Hari Nagar. Mr.Mahesh Khanna, Adv. for the complainant along
with the complainant Manjeet Kapoor. CORAM:-

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

(ORAL) 1.

... Petitioner

seeks regular bail in FIR No.203/2015 under Section 420 IPC, Police Station Hari Nagar.

2. The allegation in the FIR are that the wife of the petitioner had entered into an Agreement to Sell of property bearing No.GB-1, G-8, 2nd Floor with roof rights, G-Block, Hari Nagar, New Delhi for a sale consideration of Rs.15 lakhs and part payment of Rs.7 lakhs was paid by two cheques, one of Rs.4 lakhs and the other of Rs.3 lakhs.

... Petitioner

is alleged to be a witness to the said agreement. BAIL APPLN.746/2019 Page 1 of 3 Subsequently, it transpired that the said property had already been sold and petitioner had also entered into a mortgage transaction with one Sh.Jasmeet Singh and had received a sum of Rs.8 lakhs for which FIR No.134/2013 had been registered.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated. He submits that the complainant is into money lending business and he submits that the wife of the petitioner had in the year 2013 obtained a loan of Rs.1 lakh from the complainant which was repaid but the documents submitted for obtaining the said loan have been misused. He submits that cash withdrawals have been made in the bank account of the complainant to show as if money has been lent to the petitioner. He submits that the bank statement of the complainant reveals that apart from the 7 lakhs allegedly paid to the petitioner there are other transactions shown in the name of the petitioner of Rs.5,50,000/- for which there is neither any explanation nor any averment in any of the proceedings or any statement given to the IO.

4. Learned counsel further submits that petitioner has been in custody since 22.05.2018 and investigation is complete, chargesheet has already been filed and trial is likely to take some time.

5. Without commenting on the merits of the case and keeping in view the totality of facts and circumstances of the case and the fact that the petitioner has been in custody since 22.05.2018 and trial is BAIL APPLN.746/2019 Page 2 of 3 likely to

take substantial time, I am satisfied that the petitioner has made out a case for grant of regular bail.

6. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.25,000/- 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 either the trial or the prosecution witnesses. Petition is allowed in the above terms. Order Dasti under signatures of the Court Master.

7. 8. APRIL29 2019 rk SANJEEV SACHDEVA, J BAIL APPLN.746/2019 Page 3 of 3

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com