

\$~13 & 14

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

+ BAIL APPLN. 1286/2013

PRAVEEN BABBAR

..... Petitioner

Through: Mr. Vaibhav Sinha, Advocate

versus

STATE

..... Respondent

Through: Mr. Mukesh Gupta, Additional Public  
Prosecutor for State with Inspector  
Yashpal Singh, PS K.N.Katju Marg

+ BAIL APPLN. 1287/2013

ARCHANA BABBAR

..... Petitioner

Through: Mr. Vaibhav Sinha, Advocate

versus

STATE

..... Respondent

Through: Mr. Mukesh Gupta, Additional Public  
Prosecutor for State with Inspector,  
Yashpal Singh, PS K.N.Katju Marg

**CORAM:**

**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**

%

**22.07.2013**

**Crl.M.A.No.10682/2013 (Exemption) in B.A.No.1286/2013**

**Crl.M.A.No.10683/2013 (Exemption) in B.A.No.1287/2013**

Allowed subject to all just exceptions.

**Bail Application No. 1286/2013**

**Bail Application No. 1287/2013**

*Pre-arrest bail is sought in FIR No. 403/2011 registered under*

✓

Section 420/120-B/471/467/34 IPC at PS K.N.Katju Marg, Delhi, by petitioners on the ground that petitioners are innocent and they have not committed any offence. Since the above-captioned two applications arise out of one FIR, they have been heard together and are being disposed of by this common order.

Learned counsel for petitioners contends that receipt of 6<sup>th</sup> September, 2009 clearly indicates that there was no cheating on the part of petitioners as they had disclosed that the property in question was mortgaged to bank and the complainant was to clear the mortgage, and instead of complainant coming forward to clear the mortgage by paying bank dues, she has got registered a false FIR against petitioners. It is submitted that the subject matter of FIR discloses that it is purely a civil dispute and so petitioners deserve bail.

Learned Additional Public Prosecutor for State submits that petitioners had connived to forge the Conveyance Deed in the name of one Dewan Chand, a fictitious person and had mortgaged the property in question with the bank to obtain loan of ₹ 30 lacs on the basis of forged documents and receipt of 6<sup>th</sup> September, 2009 strongly relied upon by petitioners, *per se* discloses cheating as hand-written portion on the bottom of this receipt was subsequently written by petitioners just to wriggle out of the offence committed. It is submitted that custodial interrogation of petitioners is required and that Ajay Verma co-accused of petitioner is absconding.

Since sale deed in respect of property in question has been executed, therefore, there is no basis to conclude that complainant had not paid the entire sale transaction. Custodial interrogation of petitioners appears to be

necessary to explore the forgery committed to deceive the complainant. Nature of offence committed persuades this Court to decline *pre-arrest* bail to petitioners.

Accordingly, both the applications are dismissed while refraining to comment upon the merits of this case, lest it may prejudice petitioners at trial.

  
(SUNIL GAUR)  
Judge

**JULY 22, 2013**

vn