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

CNR No. DLHC010430582026

+ **CRL.M.C. 6738/2026 & CRL.M.A. 28178/2026**

CHANDER PRAKASH

.....Petitioner

Through: Mr. Mohit Mathur, Sr. Adv. and Mr. Arvind Kumar Gupta, Sr. Adv., along with Mr. C. Parkash, Mr. Vignesh, Mr. Abhiesumat Gupta, Mr. Shrey Tanwar, Ms. Anushree Rawat, Mr. Ishan Parashar, Advocates

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Digam Singh Dagar, APP
Ms. Yoothica Pallavi and Mr. Prem Raj, Adv. for R-2.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

% **15.09.2026**

1. This hearing has been done through hybrid mode.
2. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS') read with Article 227 of the Constitution of India has been filed by the petitioner seeking setting aside of the order dated 08.09.2026 passed by the learned Additional Sessions Judge, South-West District, Dwarka Courts, in Bail Matter No.1289/2026, whereby the regular bail granted to the petitioner *vide* order dated 04.06.2026 by the learned JMFC-13, South-West District, Dwarka Courts, has been cancelled and the petitioner has been directed to surrender. The petitioner also seeks protection from arrest and continuation of his liberty during investigation in FIR No.484/2025 registered at PS Chhawla under Sections 420/468/471 IPC.



FACTS

3. The FIR in the present case was registered on 07.12.2025 on the complaint of respondent no.2 in respect of allegations relating to forgery and use of forged documents concerning immovable property situated at Village Dindarpur, Najafgarh, Delhi. The FIR records the alleged occurrence as relating to 18.12.2003.

4. The allegations arise in the backdrop of a longstanding dispute between the parties concerning rival claims and chains of title in respect of land comprised in Khasra Nos.45/1 and 50/1. During investigation, the petitioner produced original documents in his possession, which were taken into police possession *vide* seizure memo dated 16.03.2026. The seizure memo records, *inter alia*, original title documents forming part of the chain relied upon by the petitioner.

5. The petitioner had earlier sought anticipatory bail, which came to be dismissed by the learned Sessions Court *vide* order dated 17.04.2026 primarily on the ground that investigation was at an initial stage and the chain of documents was yet to be verified. Thereafter, the petitioner was arrested on 03.06.2026 and was produced before the learned Magistrate on 04.06.2026. The learned Magistrate declined the request for custodial remand and enlarged the petitioner on regular bail, *inter alia*, upon the condition that he would cooperate with the investigation and submit the original property documents to the Investigating Officer, if required.

6. Subsequently, the complainant moved an application under Section 483(3) BNSS seeking cancellation of the petitioner's bail alleging violation of the aforesaid condition, principally on the ground that the petitioner had not produced an original document forming part of the alleged chain of title. The learned Additional Sessions Judge, *vide* order dated 08.09.2026, accepted the



said application and cancelled the petitioner's regular bail, directing him to surrender by 12.09.2026.

7. Aggrieved by the aforesaid order, the petitioner has approached this Court.

SUBMISSIONS ON BEHALF OF THE PETITIONER:

8. Learned Senior Counsel for the petitioner submits that the impugned order dated 08/09/2026, whereby the regular bail granted to the petitioner vide order dated 04/06/2026 has been cancelled, is unsustainable. He submits that cancellation of bail is an exceptional measure and cannot be resorted to mechanically on the basis of an alleged infraction of a bail condition. Reliance is placed on ***Dolat Ram v. State of Haryana, (1995) 1 SCC 349***, to contend that cogent and overwhelming circumstances are required before an order granting bail is interfered with.

9. Learned Senior Counsel submits that the present proceedings arise out of a dispute concerning immovable property and the alleged occurrence pertains to 18/12/2003, whereas the FIR came to be registered on 07/12/2025. He submits that the case is predominantly documentary in nature and that the petitioner had, during investigation, produced the original documents available with him, which were seized by the Investigating Officer vide seizure memo dated 16/03/2026.

10. Learned Senior Counsel further submits that the document which has been made the basis for cancellation of bail, namely, the document set relating to the transaction between Mohan Lal Negi and Vijay Kumar, was never in the possession or control of the petitioner. He submits that the petitioner had consistently taken this stand during the investigation and, therefore, condition no.6 of the order dated 04/06/2026 could only have applied to such original documents as were in the possession or control of the petitioner.



11. It is submitted that there is no material on record to establish that the petitioner was in actual possession of the aforesaid document, or that he had concealed, destroyed, transferred or suppressed the same. Learned Senior Counsel submits that the learned ASJ has proceeded essentially on the assumption that a purchaser would ordinarily have the complete chain of title documents.

12. Learned Senior Counsel submits that the conduct of the petitioner throughout the investigation is wholly inconsistent with any allegation of evasion or obstruction. He submits that the petitioner had repeatedly joined the investigation, had produced the originals available with him, and, after being enlarged on regular bail, joined the investigation on two further occasions.

13. Learned Senior Counsel draws attention to the notice dated 13/07/2026 requiring the petitioner to appear on 14/07/2026. He submits that the petitioner did not disregard the said notice but, on 14/07/2026 itself, informed the Investigating Officer in writing that he was medically unfit to appear and placed his medical record on record. The medical certificate records that the petitioner was under treatment for accelerated hypertension and dyspepsia and had been advised rest from 14/07/2026 to 19/07/2026.

14. Learned Senior Counsel further submits that the petitioner thereafter continued to remain in contact with the Investigating Officer and sought another date for joining the investigation. He relies upon the communication dated 16/07/2026, wherein the petitioner requested an appointment and reiterated his willingness to cooperate with the investigation.

15. He further submits that the observations in the impugned order that the title documents prima facie appear defective and that the petitioner is a “central figure” in the alleged creation of forged documents were wholly



unnecessary for determining whether the petitioner had violated the conditions of bail. Learned Senior Counsel submits that a cancellation application cannot be converted into an occasion for reassessing the merits of the prosecution case or for effectively reviewing the order by which bail had earlier been granted.

16. Learned Senior Counsel places reliance on ***Abhimanue v. State of Kerala, 2025 INSC 1136***, and submits that the distinction between cancellation of bail on account of post-bail misconduct and interference with an order granting bail must be maintained. He submits that the present case does not involve any allegation that the petitioner, after being released on bail, had threatened the complainant or any witness, tampered with evidence, committed any subsequent offence, absconded or otherwise attempted to evade the process of law.

17. It is further submitted that the entire case rests upon documentary material and that the documents already produced by the petitioner are in the custody of the Investigating Agency. Learned Senior Counsel submits that the remaining documents can be verified from the concerned executants, registering authorities, official records and other sources, and that the impugned order does not identify any specific investigative exercise which was frustrated by the petitioner while he was on bail. The status report itself records that certain original documents had been sent for verification and that the result was awaited.

18. Learned Senior Counsel submits that custody cannot be used as a means to compel the petitioner to produce a document which he maintains was never in his possession. According to him, even assuming that the whereabouts or genuineness of the document requires further investigation, the same can be addressed by imposing appropriate conditions requiring the petitioner to



appear before the Investigating Officer, disclose all information within his knowledge and facilitate verification of the documents.

19. Learned Senior Counsel also refers to the civil proceedings between the parties and submits that the dispute concerning the property predates the registration of the present FIR by several years. He submits that the order dated 07/05/2025 granting interim injunction in favour of the complainant was subsequently set aside in appeal on 16/04/2026. The appellate court allowed the appeal and set aside the order dated 07/05/2025.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS:

20. Learned counsel for the complainant appearing for respondent no.2/complainant opposes the petition and submits that the present petition has been filed after the order dated 08.09.2026 cancelling the petitioner's regular bail, and that, at the time when the matter seeking surrender was listed, there was no order of stay operating in favour of the petitioner. It is submitted that the challenge to the cancellation order therefore deserves to be considered in the backdrop of the fact that the petitioner was directed to surrender pursuant to the said order.

21. Learned APP for the State submits that the case does not arise merely out of an isolated document dispute, but concerns an alleged attempt by the petitioner and other persons to set up a false chain of title in respect of the subject property. It is submitted that the documents relied upon by the petitioner contain material discrepancies with regard to the Khasra numbers and the extent of land allegedly transferred at different stages of the chain. Learned counsel draws attention to the chain of documents reproduced in the order of the learned Additional Sessions Judge, particularly the transactions concerning Khasra Nos.45/1 and 50/1, and submits that the alleged transfer in favour of Mohan Lal Negi itself reflects a discrepancy in the area of land said



to have been transferred.

22. It is further submitted that the documents relied upon by the petitioner, insofar as the disputed links in the chain are concerned, have not been produced in original and the material relied upon by the petitioner consists, in substantial part, of photocopies. Learned counsel submits that the discrepancies and alterations appearing in the documents require investigation and verification and cannot be brushed aside at the stage of bail.

23. Learned counsel for the complainant further submits that one of the links in the petitioner's chain pertains to Sh. Devi Dayal and that his statement was recorded during investigation. It is submitted that the Investigating Agency is required to confront the petitioner with the material emerging from such investigation and to verify the genuineness of the documents and the persons purportedly involved in the transaction. The status report records that Devi Dayal was interrogated and stated that he had purchased land measuring 1 Bigha 2 Biswas in Khasra No.45/1 and had thereafter transferred the same to the petitioner through registered documents dated 23.07.2001.

24. Learned APP for the State submits that the petitioner was repeatedly called by the Investigating Officer to join the investigation and to produce the original documents. It is pointed out that a notice dated 15.06.2026 was issued requiring the petitioner to join investigation and produce the original documents, whereafter, according to the complainant, the petitioner sought one week's time. It is further submitted that another notice was issued on 24.06.2026 and the petitioner again sought further time for production of the documents.

25. Learned APP for the State submits that a further notice dated 13.07.2026 was served upon the petitioner requiring him to appear on 14.07.2026 and produce, inter alia, the original registered GPA dated



29.08.2000 allegedly executed by Sh. Mohan Lal Negi in favour of Sh. Vijay Kumar in respect of land measuring 3 Bighas 2 Biswas in Khasra No.50/1. It is submitted that despite service of the notice, the petitioner did not appear before the Investigating Officer on the scheduled date and instead sent a medical intimation. According to the complainant, this conduct, particularly in the backdrop of the earlier notices, demonstrates non-cooperation with the investigation.

26. Learned counsel for the complainant also submits that the previous civil proceedings relied upon by the petitioner do not conclude the present controversy. It is submitted that the order dated 07.05.2025 of the learned Civil Judge, by which interim protection had earlier been granted, was thereafter set aside by the learned District Judge vide judgment dated 16.04.2026. Learned counsel therefore submits that reliance upon the earlier interim order of the Civil Court by the petitioner is misplaced.

27. It is further submitted that the investigation is still required to ascertain the complete chain of title, verify the disputed documents from the concerned authorities and ascertain the role of the petitioner and other persons involved. The learned Additional Sessions Judge, after considering the material on record, had found that the petitioner had failed to produce the material document and that his conduct amounted to violation of the condition imposed while granting regular bail.

ANALYSIS AND FINDINGS

28. This Court has considered the submissions advanced by learned Senior Counsel for the petitioner, learned APP for the State and learned counsel for respondent no.2, and has perused the material on record.

29. The present case arises out of a property dispute relating to transactions dating back to 18/12/2003, whereas the FIR was registered on 07/12/2025.



The allegations are substantially documentary in nature. The petitioner had joined the investigation and had already produced the original documents available with him, which were seized on 16/03/2026. Thereafter, he also joined the investigation on two occasions after grant of regular bail.

30. The cancellation of bail is principally premised on the petitioner's failure to produce the document set relating to the transaction between Mohan Lal Negi and Vijay Kumar. The petitioner has consistently maintained that the said documents were never in his possession. On the material placed before this Court, there is no independent material to establish that the petitioner was in possession or control of the said original documents and deliberately withheld them.

31. The petitioner's subsequent conduct also does not indicate deliberate non-cooperation. Upon being served with notice dated 13/07/2026 requiring his appearance on 14/07/2026, he informed the Investigating Officer of his medical condition and furnished medical documents. He thereafter sought a further date for joining the investigation.

32. The discrepancies pointed out in the rival title chains, including those relating to Khasra Nos.45/1 and 50/1, are matters which require investigation and cannot, at this stage, by themselves justify cancellation of bail. Likewise, the question of criminal intention or *mens rea* cannot be finally determined at this stage. However, having regard to the longstanding civil dispute between the parties, the nature of the transactions in question and the absence of any material showing that the petitioner acted with criminal intent in relation to the property, no adverse inference on this count is warranted at the stage of bail. The civil order dated 07/05/2025, relied upon by the parties, has also subsequently been set aside in appeal on 16/04/2026.

33. The decision of this Court in ***Rajesh Kumar Singh v. State of NCT of***



Delhi & Ors. MANU/DE/1662/2015 in Crl. M.C. 3369/2014, decided on 19/05/2015, is also apposite. In that case, where cancellation of anticipatory bail arose from non-production of original documents, this Court observed that where the accused maintained that the originals were not in his possession, sending him to custody would serve no useful purpose and appropriate conditions could instead be imposed.

34. In the totality of circumstances, particularly the age of the underlying transaction, the documentary nature of the case, the petitioner having already produced the original documents available with him, his subsequent cooperation with the investigation, and the absence of any allegation of threat, tampering, abscondence or other post-bail misconduct, this Court is of the view that custodial incarceration is not warranted.

35. Consequently, without expressing any opinion on the merits of the allegations, the petitioner is entitled to the protection of bail. The petitioner shall, however, remain bound by stringent conditions to ensure his availability and cooperation during investigation.

36. Accordingly, petitioner Chander Prakash shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the learned Trial Court, subject to the following conditions:

- i. The petitioner shall join the investigation as and when called by the Investigating Officer and shall cooperate with the investigation;
- ii. The petitioner shall not tamper with the evidence or influence, threaten or induce the complainant or any prosecution witness;
- iii. The petitioner shall furnish his current address and mobile number to the Investigating Officer and shall intimate any change in the same;
- iv. The petitioner shall not leave India without the prior permission of



the learned Trial Court; and

v. The petitioner shall produce before the Investigating Officer any original document relating to the subject property which is in his actual possession or control and which is specifically required for the purposes of investigation.

37. It is made clear that the observations contained in the present order are confined only to the consideration of the petitioner's prayer for bail and shall not be construed as an expression of opinion on the genuineness of the documents, title to the property or the merits of the prosecution case.

38. The petition is disposed of in the above terms. Pending applications, if any, also stand disposed of.

39. The order be uploaded on the website forthwith.

MADHU JAIN, J

SEPTEMBER 15, 2026/prg/P