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

\# **CNR No. DLHC010431842026**

\+ BAIL APPLN. 3807/2026 & CRL.M.A. 28265/2026

SANTOSH .....Petitioner

Through: Mr. J. P. Singh, Mr. Hemant Sharma and Mr. Sandeep Singh, Advocates.

versus

THE STATE NCT OF DELHI .....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP with Mr. Narender Kumar, Advocate for State.
S.I. Vikash Fageria, P.S. Burari.
Ms. Shreya Gulati, Advocate for complainant.

20

\# **CNR No. DLHC010440912026**

\+ BAIL APPLN. 3903/2026 & CRL.M.As. 28783-28784/2026

RAMESH CHAND .....Petitioner

Through: Mr. L. S. Solanki, Mr. G. S. Gulati and Mr. Nishant Kharra, Advocates.

versus

STATE GOVT OF NCT OF DELHI .....Respondent

Through: Mr. Tarang Srivastav, APP.
S.I. Vikash Fageria, P.S. Burari.
Ms. Shreya Gulati, Advocate for complainant.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

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O R D E R

% **22.09.2026**

1. These applications under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] seek regular bail in FIR No. 490/2025 registered at P.S. Burari for offences under Sections 338, 336(3), 340(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023.[2] Upon completion of investigation, the chargesheet was filed invoking Sections 318(4), 336(3), 338, 340(2), 238 and 61(2) BNS. Since both applications arise from the same FIR and rest on a common factual background, they are being decided by this common order.

2. The FIR was registered on the complaint of Jatinder Cheema, who alleged that forged documents had been created in respect of his land measuring 5 bighas and 8 biswas, comprised in Khasra No. 29/5, Salempur Majra, Burari. The documents included an Agreement to Sell, General Power of Attorney, Special Power of Attorney, Receipt and Will, all purportedly executed on 2nd July, 1996 by the complainant's father, Gajinder Singh Cheema, in favour of Om Prakash, father of co-accused Satya Prakash. The chargesheet records that Gajinder Singh Cheema was outside India on the date of the purported execution and died in December, 1996. A further set of documents, purportedly transferring rights from Om Prakash to Satya Prakash, was also found to have been created.

3. The prosecution alleges that these documents were thereafter used by Satya Prakash and co-accused Raj Kumar @ Raju to enter into a transaction on 8th April, 2025 with Kapil Kohli and Rajeev Kumar in respect of 2500 sq.

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[1] "BNSS"
[2] "BNS"

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yards of the land for a consideration of ₹40 lakhs. Satya Prakash and Raj Kumar were arrested on 15th July, 2025. The original documents forming the alleged chain, the documents executed on 8th April, 2025 and the cheques received from the purchasers were recovered during investigation. The chargesheet was filed on 10th October, 2025 and a supplementary chargesheet on 4th June, 2026. Twenty-three witnesses have been cited. Charge has, however, not yet been framed.

4. The role attributed to the two Applicants is distinct. Santosh, who was arrested on 23rd August, 2025, is alleged to have identified the subject land, brought it to the notice of Raj Kumar, facilitated preparation of documents in the name of Satya Prakash, coordinated the PCR call made on 23rd March, 2025 and agreed to share in the proceeds. The prosecution also relies upon telephonic contact between the co-accused around the relevant period. A notary stamp, identity documents belonging to third persons, documents pertaining to other properties and an old mobile phone are stated to have been recovered at his instance. The documents forming the alleged forged chain in respect of the complainant's property were, however, not recovered from him.

5. Ramesh Chand, arrested on 17th July, 2025, is attributed a different role. The prosecution describes him as the person who prepared the forged documents. It is alleged that, having earlier worked as a stamp vendor and thereafter as a *munshi* near Tis Hazari Courts, he procured old stamp papers, arranged stamps and notarial endorsements and facilitated imitation of signatures. From his table and residence, the police recovered, *inter alia*, documents relating to properties of third persons, blank stamp/e-stamp papers, papers containing practice signatures, stamps, identity documents

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and photographs. Section 238 BNS has also been invoked on the allegation that material used in preparing the questioned documents was destroyed after the arrest of the co-accused.

6. Mr. J. P. Singh, counsel for Santosh, and Mr. L. S. Solanki, counsel for Ramesh Chand, make certain submissions in common. They contend that neither Applicant is named in the FIR; the investigation is substantially complete; the chargesheet and supplementary chargesheet have been filed; and the material recovered during investigation is already in the prosecution's custody. Since the case is predominantly documentary, no further custodial interrogation or recovery is stated to be required. Yet, although both Applicants have remained in custody for over a year, charges have not been framed. They also rely on this Court's order dated 27th July, 2026 granting regular bail to co-accused Raj Kumar @ Raju, whom the prosecution itself describes as the mastermind of the conspiracy.

7. The submissions then diverge on the material attributed to the two Applicants. On behalf of Santosh, it is emphasised that none of the questioned documents relating to the complainant's property was recovered from him; no purchaser or complainant attributes any inducement or receipt of consideration to him; and the prosecution relies substantially upon his alleged association with the co-accused, the articles recovered from him and the pattern of telephonic contact, without any material disclosing the contents of those conversations.

8. In the case of Ramesh Chand, counsel does not dispute that documents and other articles were recovered at his instance, but submits that they pertain to third-party properties and are already with the investigating agency; that no questioned document concerning the complainant's property

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was recovered from him; and that the forensic examination of the seized material can proceed independently of his continued custody. His antecedents, it is urged, are relevant but cannot, by themselves, justify indefinite pre-trial incarceration.

9. Mr. Yudhvir Singh Chauhan and Mr. Tarang Srivastav, APP for the State, assisted by Ms. Shreya Gulati, counsel for the complainant, oppose both applications. It is submitted that the case concerns a concerted attempt to assert rights over valuable immovable property through a fabricated chain of title, and that the role of neither Applicant is peripheral. According to the prosecution, the recoveries effected during investigation are consistent with the very method by which the questioned documents are alleged to have been created, while the electronic material shows sustained contact between the accused during the relevant period. It is further urged that material witnesses are yet to be examined and, having regard to the nature of the allegations and the antecedents of the Applicants, their release carries a risk of interference with the evidence and repetition of similar conduct. The State also resists the plea founded on the bail granted to Raj Kumar @ Raju, contending that parity cannot be applied without regard to the role, antecedents and conduct of each accused.

10. Heard. As regards Santosh, the prosecution relies particularly upon the notary stamp, identity documents and property papers recovered at his instance, the pattern of calls around the PCR call of 23rd March, 2025, and the financial transactions stated to have surfaced during investigation, including an amount of ₹50,000/- allegedly routed through him. His previous involvement in cases of cheating and forgery is also relied upon.

11. Ramesh Chand, on the other hand, is alleged to be the person who

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prepared the forged documents, and the articles recovered from him are described as the tools or instrumentalities of that exercise. The State further relies upon his previous conviction in FIR No. 231/1999, the pendency of FIR No. 225/2022 at Gurugram involving similar allegations, and its case that the present offence was committed while he was on bail in that matter. The allegation of destruction of the stamps and stamp papers used for preparing the documents is also cited to support the apprehension of tampering with evidence.

12. The allegations are undoubtedly serious. There is also material on record which requires examination at trial; this is not a case where the prosecution against either Applicant can be brushed aside as resting only on disclosure statements. The recoveries relied upon by the prosecution are relevant circumstances. That, however, does not conclude the enquiry on bail.

13. It is well settled that the object of bail is to secure the presence of an accused at trial; pre-trial detention is not intended to operate as punishment.[3] Therefore, the question at this stage is whether, after completion of the substantial part of the investigation and securing of the material evidence, continued detention of the Applicants is necessary for the fair conduct of the trial.

14. In the case of Santosh, the material is largely circumstantial. The articles recovered from him may have evidentiary significance and their explanation is ultimately a matter for trial. At the same time, none of the questioned documents concerning the complainant's property was recovered from him. The prosecution relies upon his association with the co-accused

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and the pattern of telephonic contact around 23rd March, 2025, but there is no material before the Court disclosing the contents of those conversations. He has remained in custody since 23rd August, 2025. The chargesheet and supplementary chargesheet have been filed and his further custody is not shown to be necessary for any recovery.

15. Ramesh Chand's case requires closer consideration. The material recovered from him bears a more direct connection with the prosecution's allegation that he facilitated the fabrication of documents. His previous conviction and the pendency of another case involving similar allegations are also matters the Court cannot overlook. Parity is not a mechanical exercise and the antecedents and conduct of an accused must inform the decision on bail.[4] Even so, these considerations must be weighed in the setting of the present case and cannot substitute an individual assessment of whether his continued custody is now necessary.

16. In the present case, the material allegedly recovered from Ramesh Chand has already been seized. His specimen handwriting and signatures, as well as the questioned documents, have been forwarded for forensic examination. The result of that exercise does not depend upon his remaining in custody. The allegation that he destroyed the stamps and stamp papers used in the offence is also yet to be established; even the order under challenge notes that the statement attributed to him cannot be treated as substantive evidence. He has been in custody since 17th July, 2025 and the trial has not commenced. His antecedents weigh against him, but in the circumstances presently obtaining, they do not by themselves justify

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[3] Sanjay Chandra v. CBI, (2012) 1 SCC 40

[4] Rakesh Mittal v. Ajay Pal Gupta @ Sonu Choudhary, 2026 INSC 161

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continued incarceration for an indefinite period.

17. The Court has also taken note of the order dated 27th July, 2026 granting regular bail to co-accused Raj Kumar @ Raju. That order does not create an automatic entitlement in favour of the present Applicants, whose roles and antecedents have been considered independently. It is nevertheless relevant that, in the same FIR, the Court noticed that the evidence was substantially documentary, the recoveries had been effected, and CDR connectivity, without material regarding the contents of the conversations, was by itself insufficient at that stage.

18. Viewed cumulatively, the Court is of the opinion that further detention of the Applicants is no longer warranted merely to await the progress of the trial. The apprehensions expressed by the prosecution can, at this stage, be adequately addressed through conditions. Nothing stated in this order is intended to dilute the prosecution case or to express any opinion on the admissibility or weight of the material collected during investigation.

19. Accordingly, both applications are allowed. The Applicants shall be released on regular bail in FIR No. 490/2025, subject to each furnishing a personal bond in the sum of ₹25,000/- with two sureties in the like amount to the satisfaction of the Trial Court/Duty Magistrate, and subject to the following conditions:

(i) each Applicant shall furnish his current residential address and mobile number to the Investigating Officer and the Trial Court and shall intimate any change thereof in advance;

(ii) neither Applicant shall directly or indirectly contact, threaten, induce or influence the complainant or any prosecution witness, or tamper with the evidence in any manner;

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(iii) the Applicants shall appear before the Trial Court on every date of hearing unless exempted in accordance with law and shall not seek unnecessary adjournments;

(iv) neither Applicant shall leave the country without prior permission of the Trial Court and, if possessed of a passport, shall deposit the same with the Trial Court; and

(v) the Applicants shall not indulge in any criminal activity during the period of bail.

20. In the event of violation of any of the above conditions, it shall be open to the State to seek cancellation of bail in accordance with law.

21. The observations made in this order are confined to the consideration of the present bail applications. The Trial Court shall proceed uninfluenced by them at the stage of framing of charge or at any subsequent stage of the trial.

22. The applications stand disposed of in the above terms.

SANJEEV NARULA, J

SEPTEMBER 22, 2026/*hc*

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