

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

Date of Decision: January 09, 2015

+ CRL.M.C. 65/2015 & CrI. M.A.No.298/2015

MANOJ MALIK

..... Petitioner

Through: Mr. G. Sivabalamurugan,
Advocate

versus

KARTAR SINGH & ORS.

..... Respondents

Through: Mt. Naveen Sharma, Additional
Public Prosecutor for respondent-
State with SI Rajeev Kumar

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

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(ORAL)

Cancellation of pre-arrest bail granted to respondents-accused vide order of 29th November, 2014 is sought by the complainant/ first-informant of FIR No.397/2014, under Sections 420/467/468/471/120-B of the IPC, registered at police station Jaitpur, Delhi.

Quashing of impugned order of 29th November, 2014 is sought by learned counsel for petitioner/complainant by submitting that petitioner was not heard by the learned Additional Sessions Judge while granting bail and respondents/accused are land grabbers and their custodial interrogation is required. It was submitted that the land in question was purchased by petitioner in the year 2002 and decree for specific performance was obtained in the same very year but petitioner filed execution of the aforesaid decree in the year 2008. It is submitted that on

merits, grant of bail to respondents/accused persons is unjustified and so, impugned order deserves to be quashed.

Mr. Naveen Sharma, learned Additional Public Prosecutor for State points out that it is already noted in the impugned order that respondent/accused are the *bona fide* purchasers of the property in question vide General Power of Attorney of 12th December, 2008 i.e. much prior to the execution of the Sale Deed in favour of petitioner/complainant. It was further pointed out by learned Additional Public Prosecutor for State that it also stands noted in the impugned order that there was an entry in the Revenue Record of adverse possession of the persons from whom respondents/accused had purchased the land in question and that the respondents/accused have already joined investigation in this case and there is no infirmity in the impugned order.

After having heard both the sides and on perusal of the impugned order and the material on record, I find that respondent/accused persons appear to be *bona fide* purchaser of the land in question and so, grant of pre-arrest bail to them is well justified on merits. Petitioner/complainant has been now heard and thereafter, it becomes clear that there is no illegality or infirmity in the impugned order.

This petition and application are dismissed while refraining to comment upon the merits of the case lest it may prejudice either side at trial.

(SUNIL GAUR)
JUDGE

JANUARY 09, 2015

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