

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

**Judgment delivered on : December 14, 2015**

+ **BAIL APPLN. 79/2013  
VIJAY THAKUR**

..... Petitioner

Through: Mr. Vikas Pahwa, Senior Advocate  
with Ms. Astha Sharma, Mr. Atul  
Guglani, Advocates

versus

**GOVT. OF NCT OF DELHI**

..... Respondent

Through: Mr. Panna Lal Sharma, Additional  
Public Prosecutor for the State  
Mr. Aakal Bhushan, Mr. Rahul  
Shukla, Mr. Akash Jandial, Advocates  
for complainant

**CORAM:  
HON'BLE MR. JUSTICE P.S.TEJI**

**JUDGMENT**

**P.S.TEJI, J.**

1. The petitioner has filed the instant bail application under Section 438 of the Code of Criminal Procedure, 1973 seeking bail in a case registered under FIR No. 197/2012, under Sections 466, 467, 468, 448, 120B of the Indian Penal Code, Police Station Mehrauli, Delhi.

2. The present case is registered on the complaint of Shri Balwan Singh (hereinafter referred to as the complainant), who purchased the first floor of property No.D-200, Defence Colony, New Delhi, whereas the ground floor portion was purchased by the petitioner. It is alleged that the petitioner has encroached upon the common area by raising bamboo fencing and also a gate duly installed at opening, which was for the use and occupation of all the occupants of the complex. Suspicion of manipulations in the sale deed of petitioner – Vijay Thakur by inserting two sheets of the site plans and three sheets of schedule of property between page Nos. 17 and 18 and pasting of pages in paste file, and using the same ink on all papers including the manipulated pages, have been raised against the petitioner.

3. Mr. Panna Lal Sharma, Additional Public Prosecutor appears on behalf of the State and vehemently oppose the grant of anticipatory bail to the petitioner, on the ground that there is report of FSL Rohini, which has observed some discrepancies and gave opinion that two sheets of site plans and three sheet of schedule of property would have been inserted subsequently and may not be a part of the original sale deed.

4. Mr. Vikas Pahwa, learned counsel for the petitioner submitted that the petitioner has already joined the investigation since 16<sup>th</sup> January 2013 and also provided the original sale deed and other documents, as desired by the Investigating Officer of this case and has cooperated in the investigation of the case. Even the dispute between the parties is of civil nature and nature and gravity of the allegations against the petitioner do not warrant the arrest of the petitioner. It is further averred that the petitioner belongs to a respectable family and the petitioner is an income tax payee, has no criminal antecedents and there is no likelihood that the petitioner would abscond as he has deep roots in society.

5. I have heard the submissions and counter submissions made by learned counsel for the petitioner and have gone through the status report filed on behalf of the State and the material placed on record.

6. Considering the fact that the dispute between the parties is of civil nature and civil litigation between the parties is also pending before this Court, and the fact that the petitioner has joined and cooperated in the investigation of the case and also submitted the documents as desired with the Investigating Officer and that the

petitioner has not misused the concession of anticipatory bail granted by this Court on 16<sup>th</sup> January 2013 to him. This Court is inclined to confirm the interim protection to the petitioner. Accordingly, the order dated 16<sup>th</sup> January 2013 passed by this Court is made absolute and it is hereby ordered that in the event of arrest of the petitioner – Vijay Thakur, he be admitted to bail on furnishing a personal bond in the sum of Rs.20,000/- with two sureties of the like amount to the satisfaction of the arresting officer, subject to conditions that the petitioner shall appear before the Investigating Officer as and when required; shall not tamper with the evidence; shall not influence the prosecution witnesses and shall not leave the country without prior permission of the Court.

7. With aforesaid directions, the present bail application stands disposed of.

8. Dasti.

**(P.S.TEJI)**  
**JUDGE**

**DECEMBER 14, 2015**  
pkb