

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 24.08.2015

BAIL APPLN. 1725/2015 & CRL.M.A. 12226/2015

BIJENDER SINGH @ RAJU PARCHA

..... Applicant

Through: Mr Daviender Hora and Mr Sikandar,
Khan, Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr M.S.Oberoi, APP.
SI Ajay Kumar, PS- Burari.

**CORAM:
HON'BLE MR JUSTICE SIDDHARTH MRIDUL**

SIDDHARTH MRIDUL, J (ORAL)

1. The present is an application under Section 438 read with Section 482 CrPC, 1973 for anticipatory bail in FIR No.441/2014 under Sections 420/468/471/448/511/506/427/34 IPC registered at Police Station- Burari.
2. Learned counsel appearing on behalf of the applicant submits that the co-accused, namely, Bhushan Verma has been enlarged on regular bail by

the police themselves and consequently there is no conceivable reason why he should not be granted a similar protection.

3. The case of the prosecution is that one Shreekesh Maurya lodged a complaint which fructified into registration of the subject FIR. It was alleged that a property measuring 810 sq.yards out of Khasra No.122/15/12 situated in village Burari was sold to the complainant by accused H.S.Rawat and the present applicant. It was claimed by the accused that they had purchased the said property from one Sh. Vinod Kumar Garg through an agreement to sell/receipt/GPA/Will dated 23.04.2013. The accused had assured the complainant that they had purchased the subject property for a consideration of Rs.80 lacs by way of possession letter, receipt, affidavit and Will. The principal allegation is that during investigation it was revealed that Sh. Vinod Kumar Garg the owner of the said property had not sold it to anyone and was in fact carrying on his business of cable television at the said location.

4. Mr Oberoi, learned APP appearing on behalf of the State, on instructions from the IO in the subject FIR, SI Ajay Kumar, Police Station-Burari, states that despite notices in this behalf the applicant has steadfastly refused to join investigation. It is further urged on behalf of the prosecution

that the said Bhushan Verma who was released on regular bail by them had given a complaint to the police station alleging that he had never purchased the said property from Sh. Vinod Kumar Garg and that he had never sold it further either to accused H.S.Rawat or the present applicant. The said Bhushan Verma is further alleged to have stated that the accused including the applicant took advantage of his old age illness and executed the forged documents in relation to the subject property by offering him a share of 10%.

5. An earlier application filed on behalf of the present applicant was dismissed by this court by way of order dated 21.05.2015 only for the reason that the accused persons were required to give their handwriting and specimen signatures and would consequently have to make themselves available for custodial interrogation to unearth the true facts and the forgery of documents. It is an admitted position that despite the said order the present applicant has not made himself available to the investigating officer in the subject FIR and has been evading arrest.

6. In *CBI v. Anil Sharma: (1997) 7 SCC 187* and *Ranbir Singh Kharab and Anr. v. State (NCT of Delhi): Bail App.No.417/2007 decided on 27.05.2009*, it was observed that custodial interrogation is qualitatively more

elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code.

7. In the present case the accused is not only keeping himself beyond the pale of law but refuses to participate in the investigation into who forged the documents and the signatures of the owner of the subject land, Sh. Vinod Kumar Garg on those documents. The present application is without merit and accordingly dismissed.

SIDDHARTH MRIDUL, J

AUGUST 24, 2015

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