

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

+ **BAIL APPLN. 1990/2015**

Date of Decision : October 12th, 2015

PRITAM SINGH BHATTI Petitioner

Through: Mr.Pawan Sharma, Adv.

versus

THE STATE Respondent

Through: Ms.Manjeet Arya, APP for the State.

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

P.S.TEJI, J.

1. The present application has been filed by the petitioner under Section 439 read with Section 482 of the Code of Criminal Procedure, 1908 for the grant of regular bail in FIR No.112/2014, Police Station Economic Offences Wing, Delhi, under Sections 419, 420, 467, 468, 471, 120-B of the Indian Penal Code.

2. The facts, in brief, are that the FIR of the present case was registered on the directions of this Court in CS(OS) 1350/1995, filed by the plaintiff/complainant Smt. Gurnam Kaur. In the said suit, it was contended by the plaintiff that she was the widow of late Sh. Sajjan Singh who expired on 18.04.1972. Late Sh. Sajjan Singh was

the absolute owner of the suit property. In August, 1991, the petitioner/accused impersonated somebody as Sajjan Singh and got the sale deed executed in his favour. This Court decreed the said suit vide order dated 10.04.2015 in favour of the plaintiff while observing that the Sale Deeds dated 05.08.1991 were forged. Vide order dated 04.08.2014, an FIR was ordered to be registered.

3. Arguments advanced by the learned counsel for the petitioner and the learned APP for the State were heard.

4. The arguments advanced by the learned counsel for the petitioner/accused are that the petitioner was arrested on 30.04.2015 and since then he is in custody. The charge sheet has already been filed by the Investigating Officer. The bail application filed before the learned Additional Sessions Judge was dismissed vide order dated 20.08.2015. It is further argued that there is no incriminating material against the petitioner. The petitioner is a senior citizen aged about 85 years and is completely bed ridden. The petitioner is being produced before the Trial Court on a wheel chair. The petitioner is no more required for further investigation.

5. The learned Additional Public Prosecutor for the State has

opposed the bail application on the ground that the old age is not a criteria to grant the bail. The accused has committed cheating and forgery of documents while getting the sale deed executed by producing an impersonator. The complainant is also a senior citizen and has suffered a lot due to the acts of the accused. The petitioner kept on changing his addresses and his presence could be secured only after publication. It is further argued that the petitioner does not deserve any concession of bail.

6. The record reveals that the FIR of the present case was registered on the basis of order passed by this Court in the Civil Suit filed by the complainant. The allegations against the petitioner/accused are that he committed cheating by committing forgery in the documents and used the said documents as genuine. As per the complaint, the petitioner introduced an impersonator as the deceased husband of the complainant and got the sale deeds executed of the properties in the name of the deceased husband of the complainant. The husband of the complainant expired on 18.04.1972, whereas the sale deeds allegedly executed by the petitioner in 1991. It is matter of record that alleged forgery in sale deeds have been committed by the

petitioner/accused.

7. In the facts and circumstances of the matter that forgery has been committed by the petitioner and he also introduced an impersonator in getting the documents of the properties executed, this Court is of the considered opinion that no ground is made out to enlarge the petitioner/accused on bail. The old age and ailment of the petitioner/accused cannot be a ground to release him on bail in view of specific allegations against the petitioner that he committed forgery and gained deceitfully the money, as alleged.

8. The application is accordingly dismissed. However, it is made clear that the observations made above shall not affect the merits of the case.

P.S.TEJI, J

OCTOBER 12, 2015
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