

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

**Date of decision: 07<sup>th</sup> December, 2015**

**BAIL APPLN. 2652/2015**

**BEERAM SINGH RAJPUT**

..... Applicant

Through: Mr Girish Kumar Sharma, Advocate.

versus

**THE STATE**

..... Respondent

Through: Ms Radhika Kolluru, APP.

Mr Manoj Taneja and Mr Ankur  
Singhal, Advocates for complainant.

**CORAM:**

**HON'BLE MR JUSTICE SIDDHARTH MRIDUL**

**SIDDHARTH MRIDUL, J (ORAL)**

**CRL.M.A. 17804/2015 (Exemption)**

Exemption is granted subject to all just exceptions.

The application is disposed of accordingly.

**BAIL APPLN. 2652/2015**

1. The present is an application under Section 438 of the Code of Criminal Procedure, 1973 (CrPC) on behalf of the applicant seeking pre-

arrest bail in FIR No.2023/2015 registered at Police Station- Mangol Puri, Delhi, under Sections 419/420/466/467/468/471/472/474/120B/34 IPC.

2. Counsel appearing on behalf of the applicant would urge that Koshlender Pandey, the co-accused has been granted interim protection till the 19.12.2015 by the trial court subject to his joining investigation. Counsel would then urge that by way of order dated 10.11.2015 three other co-accused, namely, Kuldeep Khare, Satish Makode and Kapil Sharma have also been granted interim bail consequent upon a compromise arrived at between the complainant and the said accused. It is contended that in terms of the aforesaid compromise arrived at between the parties some payment has been made by the co-accused to the complainant although remaining payment is yet to be made. In other words, the applicant seeks parity since the co-accused have been granted interim protection and the compromise entered into between the parties ought to enure to his benefit as well. Lastly, it is urged that the applicant herein has instituted a civil suit against the complainant and other party defendants.

3. The trial court did not find favour with the submissions made on behalf of the applicant and rejected his application for pre-arrest bail.

4. It is the case of the prosecution that along with the co-accused, the

applicant approached the complainant in the subject FIR and offered to sell him 110 acres of land for a total consideration of Rs.3.44 crores and received money in cash as well as by cheque and electronic transfer in this behalf.

**5.** It was the assertion of the applicant and the other co-accused that the owners of the subject land were willing to sell to the complainant and that their title to the subject land had been verified by the applicant. 21 sale deeds were executed by the applicant and other co-accused before the concerned Sub-Registrar on 28.01.2015.

**6.** It is the case of the prosecution that the applicant was present at the time of the execution of the sale deeds and investigation has revealed that the same bear fake stamps of Sub-Registrar; and the purported owners of the subject land who executed the said sale deeds were impersonated by others at the instance of the applicant. It is further alleged that at the instance of the applicant some unknown persons impersonated the Sub-Registrar as well. Lastly, it is urged on behalf of the prosecution that the co-accused Kuldeep Khare and Satish Makode have revealed during police custody that it was the present applicant who arranged all the persons who impersonated as Sub-Registrar and the farmers who were purported to be the owners of the subject land. It is urged that the investigation has revealed that the applicant in fact

received payments from the co-accused who are stated to be Directors of Pure Consultancy Pvt. Ltd. in addition to the cash received by him from the complainant. It is, therefore, submitted that the applicant be not granted pre-arrest bail.

7. In the present case the submission made on behalf of the applicant that a compromise has been entered into between him and the complainant is not tenable inasmuch as the said compromise agreement is not admittedly coupled with any consideration.

8. The custodial interrogation of the applicant is warranted, inasmuch as, it has to be ascertained from him as to who were the individuals who impersonated the Sub-Registrar as well as the owners of the subject land, who are farmers and villagers. Therefore, the impersonators have to be identified and arrested. The fake stamps allegedly utilized at the time of the execution of the sale deeds have also to be recovered from the applicant. It has also been revealed from the investigation that two of the farmers who are recorded owners of a part of the subject land were pre-deceased in relation to the date of the execution of the sale deed pertaining to their land. The argument of parity does not come to the aid of the applicant, inasmuch as, the co-accused were earlier taken in police remand and questioned.

**9.** In view of the foregoing it is evident that the charges levelled against the present applicant are serious.

**10.** It is trite to say that custodial investigation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 CrPC.

**11.** It is also noticed that despite service of notice under Section 160 CrPC, the applicant has not made himself available for questioning to the police.

**12.** Consequently, in my view this is not a fit case for grant of pre-arrest bail to the applicant and his application is hereby dismissed.

**DECEMBER 07, 2015**

mk

**SIDDHARTH MRIDUL, J**