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

+ **BAIL APPLN. 184/2016**

BABU RAM & ORS

..... Petitioner

Represented by: Mr. Pankaj Kumar, Mr. Prayuj
Singh, Ms. Shailja, Advs.

versus

THE STATE & ANR

..... Respondent

Represented by: Mr. Ashok Kumar Garg, APP
with SI Arun Singh, PS Khajuri
Khas.
Mr. Rajiv Mishra, Mr. Jitender
Kumar, Advs. for R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

16.08.2016

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By the present petition the petitioners Babu Ram, Naval Singh, Ram Avtar and Rajbir Singh seeks anticipatory bail in case FIR No.1349/2015 under Sections 420/467/468/471/506/34 IPC registered at PS Khajuri Khas on the complaint of respondent No.2.

The allegations of respondent No.2 are that he had purchased two plots admeasuring 1000 sq.yds in khasra No.25/6 and 15/1 of village Karawal Nagar, Delhi from one Ran Singh S/o late Shri Bodal Singh. A General Power of Attorney in the name of Ran Singh for 500 sq.yds. was made by family members of his brother late Pat Ram on 15th March, 2004

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and the other plot was of 500 sq.yds which was in the name of Ran Singh. The said property totalling 1000 sq.yds was sold to the complainant by Ran Singh for a consideration of ₹10 lakhs vide registered General Power of Attorney on 9th January, 2006. The possession of the property was with the complainant. It is alleged that Ran Singh and his associates Babu Ram, Nawal Singh, Rajbir and Ram Avtar forged the documents and tried to grab the property. Based on the documents he filed a civil suit which was dismissed by the learned Trial Court.

Learned APP for the State submit that the chain of documents of the complainant have been found to be genuine however the claim of the petitioners could not be verified as yet as the original document was not handed-over. The above-noted FIR had been registered and the petitioners assured to give the original documents. Instead of giving the original General Power of Attorney dated 16th June, 1983 executed by one Sardar Jaswant Singh S/o Dayal Singh on the basis of which they claim their ownership on the property they filed a civil suit and in the civil suit the document was filed.

From the contention of learned APP itself it is evident that the document on the basis of which the petitioners sought to establish their claim was filed in a civil suit and is not in possession of the petitioners. Thus to get the documents for the investigation, the investigating agency was to apply before the learned Trial Court. The civil suit being Suit No. 264/05/2012 was filed by Ran Singh S/o late Bodal Singh, Smt. Jai Pali W/o late Pat Ram, Bijender Singh, Nawab Singh & Amar Singh all three S/o late Pat Ram. The said suit was dismissed by the learned Trial Court vide order ***BAIL APPLN. 184/2016***

dated 9th October, 2015 on the ground that the same was not maintainable in view of the ratio laid down by the Hon'ble Supreme Court in Anathula Sudhakar Vs. P. Buchi Reddy (dead) by LRs & Ors. AIR 2008 SC 2033.

Considering the facts and circumstances of the case and that the document is available in Court custody and original or photo thereof can be taken from the Court, I deem it fit to grant anticipatory bail to the petitioners. It is therefore directed that in the event of arrest the petitioners be released on bail on their furnishing a personal bond in the sum of ₹25,000/- each with one surety each of the like amount subject to the satisfaction of the arresting officer/ SHO concerned, further subject to the condition that the petitioners will join the investigation as and when directed and will not leave the country without the prior permission of the Court concerned.

Petition is disposed of. Order dasti.

CrI.M.B. 157/2016 and CrI.M.A. 7470/2016 (addl. documents)

In view of the orders passed above, the applications are dismissed as infructuous.

MUKTA GUPTA, J.

AUGUST 16, 2016
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