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

+ **BAIL APPLN. 558/2016**

RAN SINGH

..... Petitioner

Represented by: **Mr. Pankaj Kumar, Ms. Sailja
and Mr. Prayuj, Advocates.**

versus

STATE & ANR

..... Respondents

Represented by: **Mr. Ashok K. Garg, APP for
the State with SI Arjun Singh,
PS Khajuri Khas.
Mr. Rajiv Mishra, Ms.
Gopalshree Raman and Ms.
Daljeet, Advocates for the
complainant/respondent No.2.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
17.08.2016

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1. By the present petition, the petitioner Ran 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.

2. The allegations of the complainant in the FIR 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, the petitioner herein for 500 sq.yds. was made by family members of his brother late Pat Ram on 15th March, 2004 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

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the complainant by Ran Singh for a consideration of ₹10 lakhs vide registered General Power of Attorney on 9th January, 2006. 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.

3. Learned counsel for the petitioner contends that the petitioner has already joined the investigation. The documents required by the investigation are not in the possession of the petitioner. The co-accused i.e. Babu Ram, Naval Singh, Ram Avatar and Rajbir Singh have already been granted anticipatory bail by this Court vide order dated 16th August, 2016.

4. 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 petitioner could not be verified as yet as the original document was not handed-over. The petitioner assured to give the original document. 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 the petitioner and his associates claim their ownership on the property they filed a civil suit and in the civil suit the document was filed.

5. From the contention of learned APP itself it is evident that the document on the basis of which the petitioner and the co-accused sought to establish their claim was filed in a civil suit and is not in possession of the petitioner. Thus to get the document for the investigation, the investigating agency was required to apply before the learned Trial Court. The civil suit being Suit No. 264/05/2012 was filed by the petitioner herein 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 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.

6. 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 petitioner. It is, therefore, directed that in the event of arrest the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the arresting officer/ SHO concerned, further subject to the condition that the petitioner will join the investigation as and when directed and will not leave the country without the prior permission of the Court concerned.

7. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

AUGUST 17, 2016

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