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

+ **BAIL APPLN. 815/2016**

GOPAL SINGH

..... Petitioner

Through: Mr. Manish Kumar, Advocate

versus

THE STATE (GOVT OF N.C.T OF DELHI)

..... Respondent

Through: Mr. Mukesh Kumar, APP
Mr. Antony R Julian, Adv for
complainant

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

14.12.2016

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The matter is listed today as 12.12.2016 was declared a holiday.

The petitioner has preferred the present bail application to seek anticipatory bail in case FIR No.1050/2015 under Section 420/467/468/471/120B read with 34 IPC registered at PS Bajanpura. The case against the petitioner in brief is that the Evangelical Church of India (ECI) is a registered society. The said society had purchased a property in village Ghonda, Shahdara, Delhi admeasuring 200 sq. yd on 01.04.1987. A building consisting of a big hall as a church and a drawing cum bed room with kitchen etc. was constructed for the use of the pastor (priest). The petitioner was the pastor in the said church. The allegation against the

petitioner is that he and his wife cheated the church by committing forgery and breach of trust, and they sold the property without the knowledge of the society and the Bishop. It is alleged that on 13.07.1989, the petitioner produced two sets of forged GPA, Agreement to Sell, affidavit and receipt of Rs.60,000/- as consideration amount in his favour allegedly executed by Dr. M. Ezra Sargunam. He then executed a sale deed of the property in favour of his wife Sosan Masih to create a new chain of documents and subsequently sold the same to one Harish Sharma. He also allegedly obtained a loan from the said property from the Central Bank of India. Since the petitioner's bail application is dismissed by the trial court, he had approached this court by preferring the present application.

On 03.06.2016, it was submitted on behalf of the petitioner that he had provided the chain of documents qua the said property to the I.O. eight months ago. Consequently, it was claimed that the petitioner had joined the investigation and that he is cooperating in the same. On this premise, he was granted interim protection, which was continuing till date.

The status report now filed on record states that the petitioner gave an incorrect address in his bail application and he was not found to be residing at the given address. The status report also refers to a communication dated 19.04.2013 issued by the petitioner virtually admitting the fact that he had sold the property of the church without any authority. He even undertook to buy another parcel of land in the name of the church to make up for his deeds. The status report further discloses that the petitioner is not cooperating inasmuch, as, he has not provided the original chain of documents. The alleged witness on the forged and fabricated documents have not been traced, and the petitioner has not provided information in

relation to the said persons. He has also not provided the address and whereabouts of the purchaser Harish Sharma. The original documents have also been withheld from the prosecution. It is also stated in the status report that the petitioner has physically threatened the complainant in the presence of the I.O.

Prima facie, it appears that the petitioner is a tough nut to crack and is not coming around to cooperate with the investigation. In these circumstances, he is not entitled to any protection from the court. He is directed to surrender forthwith.

Dismissed.

VIPIN SANGHI, J

DECEMBER 14, 2016

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