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

+ BAIL APPLN. 959/2016

HARVINDER SINGH Petitioner
Through : Mr. Pradeep Mishra, Adv.

versus
STATE Respondent
Through :Ms. Neelam Sharma, APP with SI
Rajbir Singh, P.S. Mayapuri
Mr. Rajesh Raina, Adv. for the
complainant with complainant in
person.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **28.07.2016**

Learned APP submits that FIR No. 579/2015 under Section 420 IPC has been registered on the complaint of wife of the petitioner. Complainant has alleged in the FIR that petitioner and his mother Smt. Agya Kaur have fabricated the General Power of Attorney and other related documents in respect of the property bearing no. D-1C/63C, Janak Puri, New Delhi in order to harass the complainant. The said property was purchased by the petitioner for ₹49,000/-, in the year 1988 from Shri Sukhdev Singh, vide General Power of Attorney dated 2nd March, 1988 duly registered at Gautam

Budh Nagar, Uttar Pradesh. Complainant was married with petitioner in the year 1991. In the year 2004, petitioner's mother filed a suit for possession against the complainant claiming herself to be owner of the said property on the basis of GPA dated 11th May, 1993, which was dismissed as withdrawn in the year 2013. This General Power of Attorney was a forged and fabricated document. During the investigation, Shri Sukhdev Singh has stated that on 11th May, 1993 petitioner and his mother had approached him and requested that complainant was troubling them, therefore, fresh General Power of Attorney be executed in favour of Smt. Agya Kaur. Accordingly, he signed the same.

Learned counsel for the petitioner submits that flat was purchased by the father of the petitioner in the name of petitioner, vide General Power of Attorney 2nd March, 1988. During that period, registration of General Power of Attorney in Delhi was not permissible, therefore, same was registered in Noida. After the registration of General Power of Attorney opened in Delhi, petitioner's mother approached Shri Sukhdev Singh for executing General Power of Attorney in her name to be registered in Delhi, in respect of the same property, as sale consideration was paid by her husband, that is, father of petitioner. Accordingly, the same was executed by Shri Sukhdev Singh.

Earlier General Power of Attorney stands cancelled in view of execution of subsequent General Power of Attorney. It is submitted that Shri Sukhdev Singh has also admitted his signatures on the subsequent General Power of Attorney and the same cannot be said to be a forged document. Complainant was aware of this fact, therefore she kept mum for about eleven years, even from the date when this fact was disclosed in the suit filed in the year 2004. He submits that complaint has been filed in order to put pressure on the petitioner since the relation between the petitioner and complainant are strained, inasmuch as complainant has lodged FIR No. 155/2013 under Sections 498-A/406/34 IPC at Police Station Mayapuri, wherein charge-sheet has been filed and the trial is in progress. Petitioner has already remained in judicial custody for more than 1½ months in the said case.

Keeping in mind the above rival contentions, it is ordered that in case of arrest, petitioner be released on anticipatory bail, subject to his furnishing a personal bond in the sum of ₹10,000/-(Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of Investigation Officer/Arresting Officer/SHO concerned. However, petitioner shall cooperate in the investigation and appear before the Investigating Officer as

and when he is called upon to do so.

Bail application is disposed of in the above terms. Dasti.

A.K. PATHAK, J.

JULY 28, 2016

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