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

+ BAIL APPLN. 1044/2016

PARVEEN YADAV

..... Petitioner

Through: Mr.B.S.Rana, Ms.Babita Ahlawat and
Mr.Satyam Sisodia, Advs.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr.Amit Chadha, APP.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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14.07.2016

1. This is an application filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.375/2015 under Sections 380/448/34/468/471/120B/411 IPC registered at PS: Uttam Nagar.

2. The brief facts of the case are that the complainants Sh.A.G.Shekhar and Sh.Sukhbinder Singh Saini had bought the property in question bearing No.F-2/13, Mohan Garden, Uttam Nagar, Delhi on 04.05.2012 from one Sh.T.Kanak Raj measuring 200 square yards. Thereafter, a dispute arose between the above-mentioned

parties which was settled before the Hon'ble High Court and on the basis of the said settlement dated 05.12.2014, the complainants brought the furniture and some kitchen items and placed them in the said property. It is stated that on 31.12.2014 when the said complainants visited their above mentioned property, they found that the locks had been broken and the petitioner and one Dilip Yadav were sitting inside the house. When the complainants tried to enter the property in question, 5-6 persons namely Dilip, Monty, Jitender Batra @ Lucky, one lady and the petitioner started abusing the complainants. Thereafter, the complainants dialled 100 and handed over a complaint along with documents and the videography of the goods to the police. It is stated that after the settlement, the possession of the property was handed over to both the complainants, the factum of which has been supported by Sh.S.William James, who during his investigation has admitted the factum of handing over the possession to the complainants. It is also stated that as per the report of the notary public namely Sh.O.P.Chaudhary and Ms.Mithilesh Aggarwala, the documents executed in favour of Dilip Yadav, Rajender Chopra and others did not bear their stamps and the

signatures/initials and in view of the same, Sections 468/471/120B IPC were added.

3. I have heard the learned counsel for the parties and perused the record.

4. The learned counsel for the petitioner has submitted that since the other co-accused Jitender Batra @ Lucky has already been granted interim bail by this Court, the petitioner also claims parity on the same ground and moreover, the petitioner is ready to join investigation.

5. Per contra, it is stated by the learned APP for the State that the petitioner is absconding and NBWs have been issued against him. Also, proceedings under Section 82 Cr.P.C. have been initiated against the petitioner and he is purposely evading arrest and his custodial interrogation is much required for recovery of the stolen articles as well as the recovery of the forged and fabricated stamp of the notary public used in execution of the documents. If released on bail, he may tamper with the evidence and may threat or induce the witnesses.

6. In the given facts and circumstances, since NBWs have been

issued against the petitioner and also process under Section 82 Cr.P.C. is pending before the Court below, no ground is made out to grant anticipatory bail to the petitioner.

7. The application is accordingly dismissed.

P.S.TEJI, J

JULY 14, 2016/dm