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

+ **BAIL APPLN. 1057/2016**

JAGBIR HOODA

..... Petitioner

Through: Mr. Vinay Kumar Sharma, Advocate

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Ashish Dutta, APP with SI Devendra
Kumar, PS- Sagarpur

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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30.05.2016

The present application under Section 438 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeks pre-arrest bail in FIR No.93/2016, under Sections 420/467/468/471/120-B/506/34 IPC, registered at Police Station- Sagarpur.

The allegations against the applicant in the subject FIR are that he along with his co-accused, namely, Rajesh Sangwan sold a plot bearing No.11, Khasra No.284 and 285, Nasirpur, Delhi, by misrepresenting that they were the owners of the subject plot and were authorized to sell it, and in furtherance thereof, received consideration qua the sale, paid by the complainant to the applicant and the co-accused.

Counsel appearing on behalf of the applicant would urge that the latter was the lawful owner of the subject property when he sold the same to the complainant in the subject FIR. In other words, it is urged on behalf of the applicant that as the owner of the subject property, he possesses the right, title and interest to dispose of the same, which he did and consequently, the allegations of cheating levelled against him, are not made out.

It is next urged on behalf of counsel appearing on behalf of the applicant

that the allegations in the subject FIR do not disclose the commission of offences under Sections 467/468/471 IPC, as alleged.

Learned counsel appearing on behalf of the applicant finally states that the allegations made on behalf of the complainant in the subject FIR are patently false, since the possession of the subject property had been handed over to the applicant at the time of execution of the Agreement to Sell, General Power of Attorney etc., in his favour.

On the other hand, Mr. Dutta, learned APP appearing on behalf of the police states that the entire chain of documents in relation to the subject land have been forged and fabricated by the applicant to cheat the unsuspecting complainant in the subject FIR as the subject property belongs to one Ashok Kumar and has at no stage belonged to the applicant herein. Mr. Dutta, learned APP would further invite my attention to the fact that the owner of the subject property, namely, Ashok Kumar, has already instituted a complaint, *inter alia*, against the applicant herein, qua the breaking of the locks of the dwelling that stands on the subject property.

In the present case, it is observed that the applicant has not been cooperating with the investigation and that the charges levelled against him are serious and warrant custodial interrogation.

It is trite to state that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of Cr.P.C.

Since the investigation is at an initial stage and looking into the nature and gravity of the offences involved, the present application seeking pre-arrest bail is devoid of merit and is accordingly rejected.

SIDDHARTH MRIDUL, J

MAY 30, 2016

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