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

+ **BAIL APPLN. 1610/2016**

SUBHASH CHANDER

..... Petitioner

Represented by: Mr. Krishan Kumar and Mr.
S.P. Nangia, Advocates.

versus

THE STATE

..... Respondent

Represented by: Mr.Hirein Sharma, APP for the
State with SI Hari Krishan, PS
Shalimar Bagh.
Mr.Davinder Hora, Advocate
for the complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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09.08.2016

Crl. M.A. No.12209/2016 (Exemption)

Allowed, subject to all just exceptions.

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1. By this petition the petitioner seeks anticipatory bail in case FIR No.418/2016 under Sections 420/406/467/468/471/34 IPC registered at PS Shalimar Bagh, Delhi.
2. Learned counsel for the petitioner contends that the mother of the petitioner was the registered owner of the property in question. The petitioner inherited the said property from his mother. It is unbelievable that a person owning a property would not visit for number of years. He further

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contends that as per the revenue records, the mother of the petitioner Smt. Chandro Devi is the registered owner of the property. Further civil disputes are pending between the parties.

3. Issue notice. Learned APP accepts notice on behalf of the State.

4. Learned APP for the State has taken me through the FIR and the verification report submitted by the Registrar, Basai Darapur.

5. In the FIR the complainant stated that he purchased Plot No.25 measuring 400 sq.yards out of the 1/3rd share in Khasra No.216, 965, 218 and 219 situated in Village Haiderpur from Mahender Yadav and Ramesh Yadav. Since the plot was purchased only for the purpose of investment, the complainant occasionally visited the plot and it was lying vacant since it was purchased. In the month of March, 2016 when the complainant visited the plot he saw that somebody had trespassed on it. On inquiry it was revealed that one Subhash Chander s/o Raja Ram has taken the possession of the plot based on forged and fabricated documents. During investigation the documents given by the complainant were verified from the Sub-Registrar, Basai Darapur. The receipt was found to be registered in the office of the Sub-registrar and a copy thereof was also given. The documents supplied by the petitioner, that is, the Will, receipt, General Power of Attorney, Special Power of Attorney etc did not tally with the records maintained in the office of the Sub-registrar. Learned APP has also pointed out that before the NDPL the petitioner has claimed himself to be the tenant in the property

6. The contention of learned counsel for the petitioner that it is unbelievable that owner of the property would not visit the same for years is countered by the allegations in the FIR itself wherein it is stated that after

purchasing the property since the same was only for investment purpose, the complainant occasionally visited and found the same lying vacant every time except when he visited in March, 2016. He found that the petitioner had trespassed thereon. Further the complaint on the basis of which the above noted FIR was registered was given by the complainant in March, 2016 itself though the FIR was registered in June, 2016 and whereas the civil suit was filed by the petitioner based on the documents relied upon by him in April, 2016.

7. In the facts and circumstances of the case, I do not find it to be a fit case for grant of anticipatory bail.

8. Bail application is dismissed.

MUKTA GUPTA, J.

AUGUST 09, 2016
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