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

+ BAIL APPLN. 2094/2016 and CrI. M.A. No. 15931/2016 (interim bail)

JITENDER KUMAR VERMA

..... Petitioner

Represented by: Mr. Manoj Ohri, Sr. Advocate
with Mr. Manmeet Singh, Mr.
Abhimanyu Singh and Ms.
Jasmit Chawla, Advocates.

versus

STATE

..... Respondent

Represented by: Ms. Rajni Gupta, APP for the
State with SI Harpal Nandan,
PS Darya Ganj.
Mr. M.P. Sharma, Advocate for
the complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

25.10.2016

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1. By the present petition the petitioner seeks regular bail in case FIR No. 11/2012 under Sections 420/467/468/471/120B IPC registered at PS Darya Ganj, Delhi on the complaint of Surender Kumar Verma, the brother of the petitioner.

2. The allegations of the complainant in the FIR are that property No. 3763, Kucha Parmanand Darya Ganj, Delhi was in the name of his father Shri Kailash Chand Verma, who passed away on 1st December, 1996 leaving behind being six legal heirs, that is, his wife, three daughters and two sons besides the complainant. According to the complainant himself all the legal

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heirs had relinquished their shares in favour of the petitioner except the complainant. It is alleged that the petitioner forged a relinquishment deed of the complainant, got the same registered with the Sub-Registrar and on the basis of the said relinquishment deed first took a loan from the bank and thereafter sold the property to two person namely Reshma and Bushra vide two registered sale deed dated 20th December, 2012.

3. Learned counsel for the petitioner contends that the complainant had issued two public notices, one on 18th September, 2002 and the second on 5th May, 2009 in the newspapers stating that he had not executed any relinquishment deed however, he filed the FIR after a delay of ten years in the year 2012.

4. Learned counsel for the petitioner has also taken me through the reply of the mother of the petitioner and complainant to the notice of the complainant wherein she stated that the complainant had taken away all the valuables, jewellery and important articles from the almirah of the deceased father and did not return the same. She also alleged that the complainant sold away the flat at Rohini on the basis of power of attorney, though the property was common to all the legal heirs. She has also levelled allegations of encashing the FDRs etc.

5. Be that as it may, this Court is not required to go into all these issues. As per the status report all the relinquishment deeds executed in favour of the petitioner have been found to be genuine except that of the complainant. As per the FSL report the thumb impression of the complainant did not match with that on the questioned document.

6. Considering the fact that prima facie the claim of the complainant that he is 1/3rd shareholder of the property is not substantiated for the reason the relinquishment deed by all the other four members of the family in favour of the petitioner was found to be genuine, there are other property disputes between the complainant on one hand and rest of the family on the other hand, the petitioner is already in custody from more than 2 ½ months and his custodial interrogation is no more required, I deem it fit to grant bail to the petitioner. It is, therefore, directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court, further subject to the condition that he will not leave the country without prior permission of the Court concerned.

7. Petition and application are disposed of.

8. Order dasti.

MUKTA GUPTA, J.

OCTOBER 25, 2016

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