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

+ W.P.(CRL) 1908/2015

JAGDISH KUMAR

..... Petitioner

Through: Mr. Anubhav Mehrotra, proxy
counsel for Mr. Rakesh Sherawat,
Advocate

versus

NCT OF DELHI & ORS

..... Respondents

Through: Ms. Richa Kapoor, A.S.C. for the
State with Mr. Rohit Kaul and Mr.
Ashish Negi, Advocates

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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20.01.2016

1. The petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India with the following prayer;

(i). to issue directions to the respondent no.1 to transfer the investigation of FIR No.188/2015, PS Pulprahaladpur to any other investigating agency or to any other police station.

(ii). to issue direction to the respondent no.2 to investigate the matter properly and fairly and verify the authenticity of the documents.

2. Notice of the petition was issued to the State.

3. Status report has been filed by the State wherein the concerned SHO has informed that on the basis of complaint of Sh. Mahendra Kumar Jain, a case FIR no.188/2015 dated 17.04.2015, under Section 420/448/468/471

IPC has been registered against the present petitioner on the allegations of forgery of documents in respect of properties bearing no.G-6 & G-7, Vishwakarma Colony, Pul Prahaladpur, New Delhi. The progress in the investigation has been reported as under :-

“During the investigation he had collected documents from both parties and verified the property documents in favour of complainant regarding G-6 & G-7, Vishwakarma Colony, Pul Prahaladpur from concerned Registrar and found genuine. IO had interrogated the suspect Jagdish and Sant Ram (who are witness in GPA of petitioner). Thereafter investigation of the case has been marked to Inspector Ashok Kumar. During further investigation suspect Jagdish Kumar who has allegedly prepared forged GPA and other documents of the foresaid properties was interrogated. During interrogation petitioner Jagdish could not clarify the queries of IO. He has given contradictory statements during interrogation. The statements of witnesses to the effect that GPA is forged and fabricated have been recorded. Some documents are till awaited from bank by which investigation will be logically concluded. During investigation section 467 IPC has been added. Further investigation is under progress.”

4. Learned counsel for the petitioner has submitted that the investigation in the present case has not been conducted fairly and they pray for transfer of the investigation to some other investigating agency.

5. However, on being asked about the basis/material on which plea regarding investigation not having been conducted fairly can be substantiated, learned counsel for petitioner has drawn a blank.

6. Perusal of the record shows that the present petitioner, who has been named as an accused, has been ordered to be released on anticipatory bail by learned ASJ, Saket Courts on 16.07.2015 recording as under:-

“After hearing both the sides, I am of the considered opinion that this case solely rest upon the documentary evidence and documents of title of the complainant are already within the possession of investigating agency. Original set of all the documents on the basis of which the applicant is claiming his

ownership has been handed over to SI Meetha Lal in the Court today, who seeks time to verify the genuineness and authenticity of the same. SI Meetha Lal is directed to take the documents in possession vide a seizure memo and to hand over copy of the same to Ld. counsel for the applicant.”

7. The observations recorded above by learned ASJ are not disputed by the petitioner. Thus when the case is based on documentary evidence and the petitioner has been released on anticipatory bail, he has not claimed any harassment being caused to him by investigating agency. In the absence of any material to show that prima facie the investigation is not being conducted fairly or properly, the investigation cannot be directed to be transferred to any other agency just on the asking of the petitioner.

8. The writ petition is dismissed.

PRATIBHA RANI, J.

JANUARY 20, 2016

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