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

\+ BAIL APPLN. 2032/2015

KRISHAN KUMAR VOHRA ..... Petitioner

Through: Mr.Murari Tiwari, Mr.Vaibhav Sharma & Mr.Rahul Kumar, Advs.

versus

STATE ..... Respondent

Through: Mr.Kewal Singh Ahuja, APP for the State with SI Satish Dagar PS EOW

**CORAM:**
**HON'BLE MS. JUSTICE PRATIBHA RANI**

**<u>O R D E R</u>**

% **17.03.2016**

1. The petitioner is facing trial in case FIR No.1/2013 under Sections 419/420/467/468/471/259/260/120-B IPC registered at PS EOW along with his co-accused Anupama Vohra. The FIR in the above noted case has been registered on the basis of complaint filed by Ms.Anupa Abrol.

2. The facts as disclosed in the status report are to the following effect:-

*'That complaint Ms.Anupa Abrol alleged that she had purchased the plot measuring 197 sq.yds. bearing No.283, Shivalik Colony, Malviya Nagar, New Delhi from Sh.Pitamber Dutt on 05.12.1999 and constructed a single storey building on it. She is a legal owner and in possession of the aforesaid property since then. Sh.Pitambar Dutt was the original allottee of the said plot/property. The property remained vacant for five years. On 17.10.2011 she visited her above noted property and found persons namely Ajit Singh, Smt. Yaad Kaur, Irshad and some other persons residing there. When she made enquiry*

*from the above noted persons occupying her property, they informed her that Ms.Anupma Vohra and her husband Krishan Kumar Vohra are owners of this property who have purchased it from one Sh.Mulak Raj Grover. They further told her that they were living there on the instructions of K.K.Vohra. She further verified the facts from the office of Sub.Registrar Asaf Ali Road, Darya Ganj, Delhi and found that one Mulak Raj Grover has got registered Conveyance Deed of her property and on the basis of this Conveyance Deed, he sold this property to Anupma Vohra and Krishan Kumar Vohra through a registered sale deed dated 28.07.2011. Thereafter on the basis of the facts of the complaint the above said case has been registered u/s 420/467/471/120-B IPC.'*

3. The status report also disclosed that the letter from the Office of L&DO is to the effect that no Conveyance Deed has been executed in respect of property bearing No.A-283, Shivalik Colony, Malviya Nagar, New Delhi. Thus, the Conveyance Deed dated 24.02.2011 in favour of Mulak Raj Grover is forged document. On the basis of this forged document, Mulak Raj Grover sold this property to the petitioner Krishan Kumar Vohra and his wife Anupma Vohra vide sale deed dated 28.07.2011. This property was mortgaged with HDB Financial Services and Punjab & Sind Bank while taking loan and the documents deposited with these two banks were prepared on the basis of forged Conveyance Deed. It is also mentioned in the status report that Conveyance Deed has been executed in favour of Anupma Vohra on 12.11.2013 in respect of the property No.A-283, Shivalik Colony, Malviya Nagar. The bail has been strongly opposed on the ground that the Conveyance Deed in favour of Mulak Raj Grover and sale deed in favour of the petitioner K.K.Vohra and his wife Anupma Vohra are fake and forged documents. Further the payments made by K.K.Vohra to Mulak Raj Grover through three cheques as mentioned in the sale deed

were not credited in the account of Mulak Raj Grover. Even the Power of Attorney, Agreement to Sell, Will, cash Receipts etc. alleged to be executed by Pitambar Dutt in favour of Mulak Raj Grover do not bear his photographs but of a different person. The e-stamp papers seized from Punjab & Sind Bank, Rajendra Place were also found to be forged and FSL report has also been received in this case.

4. The learned APP for the State, though not disputed that the petitioner is in custody since 10.05.2014 and the case is pending trial, has mentioned that supplementary chargesheet has been filed in this case. Out of total 46 witnesses cited in this case, three witnesses have been examined who have supported the case of prosecution.

5. On behalf of the petitioner, Mr.Murari Tiwari, Advocate has submitted that the petitioner himself is a victim in this case as he is a bonafide purchaser of property in question i.e. A-283, Shivalik Colony, Malviya Nagar, New Delhi which he purchased from Sh.Mulak Raj Grover through registered Sale Deed. Mr.Murari Tiwari, learned counsel for the petitioner has further submitted that the property was initially owned by Mr.Pitambar Dutt who sold the same to Sh.Mulak Raj and the petitioner has derived his title, through registered document by purchasing the said property from Mulak Raj. The complainant Ms.Anupa Abrol has asserted her title on the basis of General Power of Attorney. She was not having any registered document in her favour which could have conferred any title on her to claim herself to be the owner of the suit property.

6. Learned counsel for the petitioner has submitted that in this case the petitioner is in custody since his arrest i.e. 10th May, 2014. There are two chains of documents in respect of said property on the basis of which the

petitioner is claiming his title and other on the basis of other complainant is claiming her title. It has also been submitted that investigation in the matter is complete. In the list of witnesses 52 witnesses have been cited and till date only 8-9 witnesses have been examined. Thus the trial is also likely to take a long time. Civil litigation is also going on between the parties over the same property. The petitioner has been charged only for the offence under Section 420/260/471/120-B IPC and the charges under Sections 419/467/468/423/259 IPC have been dropped by the learned Trial Court. So far as liability of the petitioner towards the bank is concerned, it is submitted that house of the petitioner bearing No.15/96, Ground Floor Subhash Nagar, New Delhi has been sealed by the Punjab & Sind Bank and has been further put to e-auction of the same. With regard to HDB Financial services, the petitioner has already paid about 45 % of the loan amount. The banks are even otherwise not a complainant in the said FIR No.1/2013 and are pursuing their case before the Debt Recovery Tribunal for recovery.

7. On behalf of the State and the complainant, the prayer for grant of bail has been strongly opposed claiming that now the complainant has duly executed Conveyance Deed in her favour and she is in possession of the said property.

8. Having regard to the facts and circumstances specially that the prosecution case is based on documentary evidence and the petitioner himself is claiming his title in the said property on the basis of Registered Deed in his favour for which civil litigation is going on as well the fact that the petitioner is in custody for last about 22 months, the Petitioner is ordered to be released on bail on his furnishing personal bond in the sum of ₹ 1 lakh with one surety in the like amount, subject to the satisfaction of concerned

Trial Court and subject to following conditions :

(i) The Petitioner shall not leave the country without the permission of the Court.

(ii) The Petitioner shall surrender his passport before the concerned Trial Court. If he is not holding any passport, then he shall file an affidavit to this effect that no passport has been issued to him.

(iii) During the pendency of the trial, the Petitioner shall not tamper with the evidence and influence the witnesses in any manner whatsoever.

9. With the above conditions, the bail application is allowed.

10. Any observations made hereinabove for the purpose of dealing with the contentions raised during hearing of the bail application shall not be deemed to be an expression on merits of the case.

11. A copy of this order be given *Dasti* under the signature of the Court Master.

**PRATIBHA RANI, J.**

**MARCH 17, 2016**
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