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

+ **BAIL APPLN. 2592/2015**

ASHOK KUMAR

..... Petitioner

Through : Mr. Pawan Sharma, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Through : Mr. Mukesh Kumar, APP with SI
Rajiv PS Mehrauli.

Mr. Laxman Singh and Mr. Ajay
Kumar, Advs. for complainant with
Mr. Bijender Singh son of
complainant.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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02.11.2016

Learned counsel for petitioner submits that petitioner had purchased 400 Sq. Yards of land from one Mr. R. N. Tyagi vide GPA, Agreement to Sell, etc. in the year 2009. Thereafter, petitioner filed a suit for permanent and mandatory injunction against complainant in respect of the said property, which is pending. Only thereafter, present FIR has been got registered by the complainant alleging therein that petitioner had manipulated the documents. It has been alleged that 40 Sq. Yards was made as 400 Sq. Yards by adding a zero. Learned counsel for petitioner further submits that all the documents, which were in power and possession of the

petitioner, have already been given to the Investigating Officer. Petitioner is enjoying interim protection right from 30th September, 2015 and has not misused the same. Petitioner is not required for any further investigation.

Learned additional public prosecutor, who is assisted by the learned counsel for complainant, submits that documents furnished by the petitioner have already been verified. It is submitted that zero was added after 40 thereby making it 400 Sq. Yards. Physical possession of property was never handed over by Mr. R. N. Tyagi to petitioner as the same remained in the possession of complainant all along. Mr. Pritam Singh was interrogated and has stated that he had sold the property admeasuring 40 Sq. Yards for ₹1,20,000/- to Mr. R. N. Tyagi and not the 400 Sq Yards, inasmuch as, possession of the property was not handed over to Mr. R. N. Tyagi, only title documents were executed in favour of Mr. R. N. Tyagi. It is further submitted that Sub-Registrar has verified that only registered GPA was executed by Mr. Pritam Singh in favour of Mr. R. N. Tyagi. Documents executed by Mr. R. N. Tyagi in favour of petitioner are not registered with the Sub-Registrar, Mehrauli. Son of Mr. R. N. Tyagi has stated that ₹9 lacs out of the total sale consideration of ₹14,00,000/-, were not received.

Keeping in mind the totality of facts and circumstances as disclosed

above, including the fact that civil litigations are pending between the parties and that petitioner has cooperated in the investigation and given all the documents, it is ordered that in case of arrest, petitioner be released on bail, subject to his furnishing a personal bond in the sum of ₹50,000/- (Rupees Fifty Thousand Only) with one surety of the like amount to the satisfaction of Arresting Officer/Investigating Officer/SHO concerned.

Application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

NOVEMBER 02, 2016/dk