$~

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

Order reserved on 4th December, 2017
Order pronounced on 7th December, 2017

\+ **BAIL APPLN. 2365/2017**

VINOD BANGWAL ..... Petitioners

Through: Mr. Anand Shailani, Advocate.

versus

STATE GOVT OF NCT OF DELHI ..... Respondents

Through: Mr. Mukesh Kumar, APP for the State with SI Satish Lohia, PS-Hauz Khas.

CORAM:
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

1. This is an application under Section 439 of The Code of Criminal Procedure, 1973 (hereinafter referred to as **'Cr.PC'**) seeking **Regular Bail** in case FIR No. 329/17 under Section 448/467/471/120B of Indian Penal Code (herein referred to as **'IPC'**) registered at Police Station – Hauz Khas, New Delhi.

2. The brief and necessary facts of the case is that on the complaint of Col. Bhupinder Singh Bains s/o Darbara Singh Bains, a case FIR No. 329/2017 dated 19.09.2017 u/s 448/467/471/120B IPC was registered at PS Hauz Khas, South Delhi alleging that the complainant is the legal heir of Mrs. Ajit Kaur w/o Darbara Singh Dasawalia, owner of plot No. L-23, South Extension-II, New Delhi; that his mother neither sold the said property to anyone or executed any Power of Attorney to anyone during her lifetime; that the petitioner and his accomplices are now claiming the ownership

of the said property on the basis of forged document, which clearly implies that a well-crafted conspiracy has been hatched by him to grab plot in question by fraudulent means.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case he is the bonafide purchaser of the abovesaid property from Mrs. Ajit Kaur vide Agreement to Sell dated 30.12.2016 for a total consideration of Rs.14 Crores for which he has already paid Rs.50 Lacs; that the petitioner had also issued a public notice through his lawyer which was duly published in the newspapers that the property is free from all sort of incumbrances and title is clear; that the petitioner is in custody since 07.11.2017 and no more required for investigation, therefore kindly be released on bail.

4. Learned APP for the State highly opposed the present bail application and contended that the offence is serious in nature and has cheated the existing system by opening fake bank account and forged Aadhar Card by impersonation.

5. I have heard the learned counsel for the parties and perused the material available on record.

6. During the course of investigation, it was revealed that the questioned property was purchased by Smt. Ajit Kaur in 1957, who died on 31.10.2013 and her husband Squadron Leader Darbara Singh Bains died on 07.11.2016. Further investigation revealed that the petitioner along with his accomplices are property dealers and they knew that the property was lying unattended since 1957, i.e. for the last 60 years, and they hatched the conspiracy to usurp

the said property by impersonating and creating fake/forged documents of the said property i.e. Agreement to Sell, Power of Attorney, Possession Letter etc. recovered from the petitioner, whose details were found to be invalid.

7. Considering the fact that the petitioner has played an active role in the commission of the crime and while perusing the allegations levelled against the petitioner and the gravity and nature of the offence, this Court is not inclined to grant the regular bail to the petitioner in this case.

8. Accordingly, the present application stands disposed of.

9. Before parting with the aforesaid order, it is made clear that anything observed above shall not have any bearing on the merits of the case during trial.

10. Copy of the order be given dasti under the signatures of Court Master, as prayed.

SANGITA DHINGRA SEHGAL, J.

DECEMBER 07, 2017
gr