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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 651/2018 & CRL.M.A. 5524-5525/2018**

HEMANT

..... Petitioner

Through: Mr. Azhar Qayum, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Kamal Kumar Ghei, APP for
State.

Mr. Kunal Kalra, Adv. for
complainant.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

08.05.2018

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In terms of proceedings dated 09.04.2018 the requisitioned records of the Civil Suit No.SCJ 84541/16 titled as Ram Prakash & Anr. Vs. Chiranji Lal & Anr. pending in the Court of Civil Judge-01 (South) Saket, New Delhi have been received which indicates that the same is a suit for cancellation of a sale deed filed by Mr. Ram Prakash and Mr. Ghasi Ram both sons of late Mr. Sukh Pal through Mr. Hemant (i.e. the present applicant) who is the Power of Attorney holder of the said persons.

The complainant of the FIR in question i.e. FIR No.94/2016, PS Fatehpur Beri in relation to the present bail application is indicated to be arrayed on the records of the said suit as the defendant no.1 thereto with the other defendants i.e Chiranji Lal Family Trust, Daljeet Singh Pal and Mrs. Devinder Pal w/o Mr. Daljit Singh arrayed as defendants to the said suit.

On behalf of the applicant it has been submitted that the proceedings initiated against the applicant pursuant to directions dated 06.02.2016 under Section 156(3) Cr.PC, 1973 of the Court of the Id. MM, Saket on the basis of which the FIR has been registered, i.e. FIR No.94/2016, though initiated in relation to the aspect of the sale deed mentioned in para-1 of the said page in the civil suit dated 03.08.1987, in relation to which sale deed, it has been stated on behalf of the plaintiff to the civil suit which suit had been filed by the applicant as the Special Power of Attorney holder of the plaintiff nos.1& 2 that the plaintiff to the said suit had purchased the agriculture land comprising of Mustkil No.27/14 (4-12), 15(4-12), 16/1 (2-0), 16/1 (2-16), 17 (4-16), 24 (4-16) & 25 (0-16) total measuring 24 Bighas 8 Biswas situated in Dera Mandi, New Delhi through Registrar Sale Deed on 03.08.1987 and it has been submitted on behalf of the applicant that all these documents were supplied to the applicant by Mangal Singh, property dealer and associates Ramesh Chand both of whom are co-accused in the instant case with the further submissions that Mr. Mangal Singh who was previously absconding, has since been arrested and is on bail.

It has been submitted on behalf of the applicant that the applicant's bonafides are yet to be tested in the civil suit, that the provisions of Section 465/467/471/474 and 120-B Indian Penal Code, 1860 are not attracted in the instant case against the applicant and that the offence punishable under Section 465 Indian Penal Code, 1860 is bailable and it has been submitted on behalf of the applicant that Section 471 Indian Penal Code, 1860 is also bailable. Undoubtedly, in terms of the Schedule to the Cr.PC, 1973, offences punishable under Sections 465 and 471 of the Indian Penal Code, 1860 are

bailable. However there are allegations against the applicant in relation to the alleged commission of the offences punishable under Section 467/474 r/w 120-B Indian Penal Code, 1860 and placed on the records of the civil suit, the original record of which has been requisitioned is a letter dated 11.08.2014 issued by Sub-Registrar-03 indicating to the effect that on an application stated to be of the applicant herein to the effect that the sale deed with registration no.6213 dated 03.08.1987 in the name of Shri Sukh Lal s/o late Shri Ajeet Vohra (*Shri Sukh Lal is the father of the present applicant herein*) had been duly registered in the said office of the sub-Registrar-03 with registration no. 6213/1/5817/72-76 dated 03.08.1987 executed by Shri Vijay, Bijender, Har Gian, Chanda Ram, Ram Rikh, Charan Pal, Har Kishan and Ram Kishan in favour of Shri Sukh Lal s/o late Shri Ajeet Vohra, it has been submitted on behalf of the State that qua this document dated 11.08.2014 issued purportedly from the office of sub-Registrar-03, New Delhi it is reported by the said Registrar-03, New Delhi vide his letter dated 16.09.2015 to the effect that the alleged document titled as Sale deed vide Registration No. 6213, Additional Book No.1, Volume No.5817, dated 03.08.1987 was not found registered in this office.

Taking the totality of the circumstance of the case into account, without any observation on the merits or demerits of the case and without any observation on the proceedings before the trial Court where the civil suit is pending, placed on the record of the civil suit is the document which is stated to be a genuine document which is stated to be, as per record of the sub-Registrar office, is a fraudulent and fake document and as per the status report submitted by the State, there is an apparent complicity of more than

one person other than the applicant in the instant case and one co-accused in the instant case is still absconding, there is no ground for bail.

The application is dismissed.

ANU MALHOTRA, J

MAY 08, 2018

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