$~2

IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 05th October, 2018

\+ BAIL APPLN. 881/2018 and Crl. M.A. 7267/2018

GYANENDER RANA ..... Petitioner

Through: Mr. Vishesh Wadhwa, Ms. Bandana Kaur Grover, Ms. Swadha Gupta, Mr. Aditya Swarup Agarwal and Mr. Aditya Gauri, Advocates

versus

THE STATE (NCT OF DELHI) ..... Respondent

Through: Mr. Mukesh Kumar, APP for the State with SI Dharmendra Pratap Singh

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The involvement of the petitioner in the offences alleged in the first information report (FIR) no.247/18 of police station Samaypur Badli registered under Section 420 and 120 B of Indian Penal Code, 1860 (IPC) has come up during the course of investigation. He had approached the court of Sessions by bail application (no.907/18) for release on anticipatory bail on the ground that the accusations being leveled against him are false and motivated and no case can possibly be made out to show his complicity. The Sessions court, by its order dated 13.04.2018, has

declined the said prayer. Thereafter, the petitioner has come up with the present application under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.PC) with similar prayer.

2. It does appear that in the complaint leading to the FIR being registered primarily allegations were made against Bijender Rana, Neeraj Lijhara and Salina Sharma, they having conspired with each other for cheating the complainant of money, he having been made to part with the same, on the basis of mis-representation, in various amounts in the total sum of Rs. 96 Lakhs. In the concluding part of the complaint, the complicity of the petitioner is also clearly indicated, he allegedly being instrumental in preparation of what is suspected to be a forged document purporting to be an agreement dated 24.02.2013 to sell a parcel of land for consideration executed by Salina Sharma respecting a parcel of land in favour of Shyam Sunder, it having been executed on e-stamp paper that had been purchased on 22.02.2013 in the name of the petitioner, he also being a signatory as the first attesting witness thereof.

3. According to the allegations of the complainant Manoj Kumar, he was made to believe that the plot of land was held in the name of Salina Sharma who was a relative of Bijender Rana, she being agreeable to sell it off. It was also stated that the complainant was made to believe that the plot of land had earlier been sold to Shyam Sunder, for consideration, but he was unable to arrange the requisite finance to pay the settled consideration. It is on the basis

of such representation and, by showing the fabricated agreement to sell dated 24.02.2013, that the complainant was made to part with the money to above extent. It is the case of the complainant that when he went to the plot of land, after paying the money and execution of an agreement, he was obstructed by certain others against which backdrop the aforementioned persons told him that there was a court case which had come up and that they would sort out the dispute. When the complainant wanted to pull out of the deal, the aforementioned persons agreed to return the money but only a demand draft of Rs.1,85,000/- was handed over and against that small refund, all the documents were fraudulently taken away from him.

4. The petitioner is the real brother of Bijender Rana and there is evidence collected to indicate that both of them were working together as property dealers. The complicity of the petitioner is suspected, *inter alia*, on account of use of the stamp paper purchased in his name, he also being a signatory as witness to the agreement dated 24.02.2013. There are reasons to suspect that Shyam Sunder, the person shown as intending purchaser, was also party to the conspiracy.

5. In the above fact-situation, it cannot be argued that the allegations of involvement of the petitioner in the criminal conspiracy are wholly unfounded. On the contrary, as was submitted by the Additional Public Prosecutor, on instructions, that it is essential that he be subjected to custodial interrogation to

unearth the evidence about the crimes which appear to have been committed.

6. No good case is made out for release on anticipatory bail. The petition and the application filed therewith are dismissed.

R.K.GAUBA, J.

October 05, 2018
yg