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

+ **BAIL APPLN. 1008/2018**

AMARDEEP GUPTA

.... Petitioner

Represented by: Mr.Nikilesh R. with Mr.Dinesh
Kumar, Ms.Archana Gupta and
Mr.Navdee Jain, Advocates

versus

THE STATE

... Respondent

Represented by: Ms.Rajni Gupta, APP for the
State with SI Ranbir Singh, PS
New Ashok Nagar
Mr.Pushpendra Singh,
Advocate for the complainant

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

19.07.2018

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1. By this petition, the petitioner seeks anticipatory bail in case FIR No.547/2017 under Section 420/467/468/471/34 IPC registered at PS New Ashok Nagar. Learned counsel for the petitioner submits that the petitioner is the nephew of the complainant and has been falsely implicated in the case. Complainant has no right, title or interest in the property nor does she have any document. Further, the father of the petitioner has also been implicated as an accused who has been granted anticipatory bail by the learned Trial court vide detailed order dated 17th July, 2018.

2. The above noted FIR was registered on the complaint of Smt. Indira Gupta against Ram Baksh Gupta her real brother in law (Jeth) and

Amardeep Gupta, Son of Ram Baksh Gupta. Complainant alleged that she was the owner of the property bearing No. 390/263/1/2-N, B-286 (New No. 31-A), New Ashok Nagar, Delhi. Since the petitioner and his father were closed relatives she appointed them as caretaker of the aforesaid property as the adjacent property belonged to Ram Baksh Gupta. Complainant lodged a NCR on 6th January, 2012 for the loss of the GPA, Agreement to Sell, Will, Receipt, etc. in respect of the property afore-mentioned. From sources complainant came to know that the said original documents were stolen by the petitioner from the house of the complainant and are in his custody and possession.

3. On enquiry it was revealed from the officials of BSES that the accused persons forged important documents such as indemnity bond, GPA dated 7th April, 2003 and GPA dated 15th January, 1997. In respect of the property and on the strength of the forged documents transferred the electricity connection installed in the premises in the name of Ram Baksh Gupta.

4. As per the status report during the course of investigation certified copies of the documents submitted by the accused persons for transfer of the electricity connection were collected from the office of the BSES and the documents showed different dates and year from the GPA submitted by the petitioner Amardeep Gupta in the civil suit at Karkardooma Court. Further it was revealed from the stamp vendor, B.D. Sharma, that stamp papers vide the serial No. 55141 to 55182 were not sold by him on 12th January, 1999. Though the status report notes the conduct of the petitioners, however, the learned Trial Court also noted that besides the complainant claiming to have

lost the original documents in respect of the property in the year 2012 when the electricity connection was transferred in the name of the petitioner's father, the Investigating Officer though collected the certified copies but did not compare them with the originals available with the BSES nor bothered to seize the original documents. Learned Trial Court while deciding the bail application of Ram Baksh Gupta also noted that before registration of FIR the complainant had sold the property to a third person, namely, R.C. Chauhan when admittedly the complainant was not in possession of any original document with her. Considering the conduct of both the parties learned Trial Court granted anticipatory bail to the co-accused Ram Baksh Gupta, father of the petitioner.

5. Considering the facts noted above this Court deems it fit to grant anticipatory bail to the petitioner.

6. It is, therefore, directed that in the event of arrest the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that the petitioner will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the Court concerned and in case of change of residential address the same will be intimated to the Court concerned by way of an affidavit.

7. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

JULY 19, 2018

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