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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1341/2018**

SUMIT SAHNI & ANR Petitioners
Through Mr. Bharat Dubey and Mr. J. Sahni,
Advts.

versus

STATE (GOVT. OF NCT OF DELHI) Respondent
Through Ms. Manjeet Arya, APP with SI
Ranveer Mavi, P.S. Anand Vihar
Mr. Mohit Mathur, Sr. Advocate with
Mr. Ravi Mehta and Mr. Gurpratap
Singh, Advts.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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10.07.2018

Learned counsel for the petitioners submits that petitioners were family friends of the complainant. Petitioner no. 1 had agreed to purchase third floor of property no. A-86, Anand Vihar, New Delhi from the complainant and her daughter for ₹1.36 crore. An Agreement to Sell dated 18th November, 2016 was executed by the complainant and her daughter after receipt of ₹40 lacs. Balance payment was to be made in two years. When petitioner no. 1 approached the complainant and her daughter to execute the Sale Deed after receiving the balance sale consideration; disputes arose between them. Thereafter, complainant got the FIR

registered on false allegations. It is further submitted that as per the FIR, on 2nd January, 2018 petitioners had given beatings to the complainant by fists and kicks. It is further alleged that petitioner no. 1 removed clothes of complainant and petitioner no. 2 made a video. It is further submitted that even after 2nd January, 2018 complainant and her daughter had been sending whatsapp messages of greetings to the petitioner no. 1 and even invited the petitioners on Lohri festival. Photocopy of the whatsapp messages has been annexed with the application. It is further submitted that petitioners may be granted anticipatory bail.

Learned APP, who is assisted by the learned Senior Counsel for complainant, has opposed the grant of anticipatory bail to the petitioners. It is submitted that complainant and her daughter had never agreed to sell the aforesaid property. Value of the aforesaid property is much more than ₹1.36 crore. Agreement to Sell and other documents are forged and fabricated documents. Complainant and her daughter were threatened by the petitioners and were compelled to send whatsapp messages. Petitioners are in possession of the aforesaid property. Petitioner no. 1 married petitioner no. 2 in the year August, 2016. Petitioner no. 1 requested complainant to allow him to stay in the aforesaid property. Keeping in view the friendly

relations which the complainant and her daughter were having with petitioner no. 1, they allowed petitioner no. 1 to stay in the aforesaid property. Intention of the petitioners turned dishonest and they forged and fabricated documents in order to usurp the property of the complainant.

Learned counsel for the petitioners submits that petitioner no. 1 has already filed a suit for specific performance in the civil court and the original papers have already been filed in the said suit. Investigating Officer may collect the same from the said civil court. It is further submitted that petitioner no. 2 has already handed over her mobile phone to the Investigating Officer.

Keeping in mind the totality of facts and circumstances of this case, it is ordered that in case of arrest, petitioners be released on bail, subject to their furnishing a personal bond in the sum of ₹50,000/-(Rupees Fifty Thousand Only) with one surety each of the like amount to the satisfaction of the Investigating Officer/Arresting Officer/SHO concerned.

Bail application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

JULY 10, 2018
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