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

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Judgment delivered on: 28.11.2018

+ BAIL APPLN. 1498/2018

RAKESH KUMAR SHARMA

..... Petitioner

versus

STATE & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr.Y.S.Chauhan, Advocate.

For the Respondent : Ms.Kusum Dhalla, APP for the State
with Insp.Ram Kishan, P.S.Dwarka North.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

28.11.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No.182/2018 under Sections 380/448/34 IPC, Police Station Dwarka.
2. The allegations of the complainant in the subject FIR are that the complainant had purchased the subject flat from one Bishambhar, the father of the petitioner through an Agreement to Sell and is in possession of the flat and the petitioner is alleged to have come into the property, broken open the locks and attempted to remove the articles of the complainant.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that the complainant is a trespasser in the property of the father of the petitioner for which a complaint has already been lodged to the police and an FIR has already been registered being FIR No.370/2018. It is submitted that the property was never transferred to the complainant and no documents were executed and the complainant has forged and fabricated the documents.

4. Petitioner was granted interim protection by order dated 30.06.2018 subject to joining investigation. Status report dated 28.11.2018 has been filed in Court. Same is taken on record.

5. As per the status report, it is indicated that petitioner has joined investigation. Further, the status report indicates that the complainant, despite being requested several times, has failed to produce any document of title. It is stated in the status report that no document of title executed by the father of the petitioner through whom the complainant is alleged to have purchased the property has been produced before the Investigating Officer. Several notices have been issued to the complainant, however, he has not produced any document. Further it is alleged by the complainant that one Daniel was an intermediary for purchase of the property, however, even said Daniel has not been produced before the Investigating Officer.

6. Without commenting on the merits of the case and keeping in

view of the facts and circumstances of the case and also the status report dated 28.11.2018, I am of the view that the petitioner has made out a case for grant of anticipatory bail.

7. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail on petitioners furnishing a bail bond in the sum of Rs. 10,000/- with one surety of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned. Petitioner shall not do anything that may prejudice either the investigation or the prosecution witnesses.

8. The Petition is disposed of in the above terms.

9. Order *Dasti* under signatures of the Court Master

NOVEMBER 28, 2018
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SANJEEV SACHDEVA, J