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

% Judgment delivered on: 07.12.2018

+ BAIL APPLN. 1520/2018

HARISH KUMAR

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Rajat Aneja with Mr. Sambit Nanda, Advocates

For the Respondent : Ms. Kusum Dhalla, APP for the State.
Insp. Surya Prakash, PS North Rohini

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

07.12.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No.682/2015 under Sections 420/467/468/471/120-B IPC, Police Station North Rohini (Outer).

2. The allegations of the complainant in the FIR are that the complainant purchased the property of the petitioner by way of an Agreement to Sell and Power of Attorney in the year 2002 and continued to reside therein thereafter. Subsequently, in the year 2006, they got to know that there is a dispute with regard to the title of the property.

3. It is contended by the learned counsel for the petitioner that the complainant sought to intervene in the dispute, which was pending between the petitioner and a person, who had challenged the title of the property. However, they were not impleaded in those proceedings.

4. It is further alleged in the FIR that in the year 2012, a suit was filed by one Mr. Arun Kumar Singla claiming title to the property based on a registered Sale Deed executed by the petitioner in the year 2000. It is in these circumstances alleged that the petitioner committed the subject offence.

5. Learned counsel for the petitioner submits that the subject dispute has a major civil flavour inasmuch as there is a civil suit pending since the year 2012. He further submits that the subject FIR is highly belated as the complaint was lodged on 18.01.2014 nearly two years after the complainant became aware of the dispute with regard to the title of the petitioner by filing of the suit by Mr. Arun Kumar Singla. He further submits that the petitioner has earlier also joined investigation and is willing to join investigation.

6. The petitioner was granted interim protection on 04.07.2018 subject to joining investigation.

7. Learned APP for the State, under instructions, submits that the petitioner had joined investigation and the investigation is nearly complete and there is no further requirement of the petitioner to join investigation. She further submits that the charge sheet is in the

process of being finalised for filing in Court.

8. Without commenting on the merits of the case and keeping in view the totality of facts and circumstances and on perusal of the record, I am of the view that the petitioner has made out a case for grant of anticipatory bail.

9. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail on his furnishing a bail bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned. Petitioner shall not do anything which may prejudice the investigation, trial or the prosecution witnesses. The petitioner shall join the investigation as and when so required by the Investigation Officer.

10. The petition is disposed of in the above terms.

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

DECEMBER 07, 2018
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SANJEEV SACHDEVA, J