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

\+ BAIL APPLN. 1817/2018 & CRL.M.A. 29119/2018

ABHISHEK VERMA ..... Petitioner

Through: Mr. Ch. Ravindra Singh, Adv.

versus

STATE ..... Respondent

Through: Mr. Amit Ahlawat, APP for the State.
Mr. Pradeep Teotia, Adv. for complainant.

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

O R D E R

% 02.08.2018

The petitioner was arrested on 20.06.2018 during investigation into FIR No. 234/2018 of police station Mayur Vihar involving offences punishable under Sections 384/385/411 /120 B IPC. He has been in judicial custody since 23.06.2018. The case was registered on the complaint of one Pramod Panwar, engaged in the business of construction, he having undertaken construction at plot no. C-18, Shashi Garden, Patparganj, Delhi. As per his allegations, the complainant received a telephone call about a writ petition having been filed in this Court respecting the said construction, his inquiries revealing that the petitioner herein was the writ petitioner. The complainant received a demand from the petitioner for Rs.25 lakhs to be paid as a pre-condition to the withdrawal of the said writ petition. It is stated that during a trap laid by the police, the petitioner was arrested red handed, he having received an amount of Rs. 2 lakhs as the first instalment

of the extortion money, this being confirmed by the statements of the trap witnesses including an independent shadow witness.

The explanation of the petitioner has been that he was a shareholder in plot no. C-18, Shashi Garden, Patparganj, Delhi and was disturbed because of the unauthorised construction being carried out thereupon, building material also having been placed illegally in his share of the plot.

On being asked, the counsel for the petitioner submitted that a writ petition was submitted in the registry of this Court in April, 2018, but it never came up for hearing since the registry had raised certain objections which were not removed. On being asked, the counsel presented a copy of the said writ petition which has been taken on record. Though in (para 10 of) the said writ petition, a vague reference is made to the claim of the petitioner being a shareholder in the plot of land, the counsel for the petitioner clarified during the hearing that aside from Khasra record there is nothing in his possession to show his title to such plot of land. He also conceded that C-18, Shashi Garden, Patparganj, Delhi as the description of the plot would be a number assigned by the municipal authorities. But, there is no municipal record confirming title of the petitioner or his predecessors-in-interest *vis-a-vis* such plot of land recorded by the municipal authorities.

It is strange that in a writ petition where urgent relief was to be claimed including issue of appropriate writ in the nature of mandamus or direction to immediately stop the illegal and unauthorised construction on a plot of land claimed by the petitioner, no hearing was pressed for almost four months with no just or sufficient explanation for such dis-interest shown in its prosecution. Concededly, even civil court has not been

approached for any urgent relief in the matter.

The above, *prima facie*, only confirms the case of the prosecution that the petitioner has no legitimate right or interest in the subject property and the writ petition was filed more to set up a ground for extortion. The role of the persons beyond the petitioner is also under the scanner. In these circumstances, it is not a fit case where the petitioner ought to be released on bail at this stage.

The petition and the pending application are dismissed.

R.K.GAUBA, J

AUGUST 02, 2018
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