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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2080/2018**

RAJESH KUMAR Petitioner
Through: Mr. Sanjeev Mahajan, Advocate.

versus

STATE Respondent
Through: Ms. Meenakshi Dahiya, APP for State
with SI Vikas, P.S. Patel Nagar.

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

ORDER
% **06.09.2018**

Crl.M.A. 31487/2018 (exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 2080/2018

Status report filed.

Heard. Perused.

The FIR no.173/2017 has been registered by police station Patel Nagar on 06.06.2017 on the complaint of Ranjan Sethi, *inter alia*, alleging that the documents on the basis of which the petitioner herein claims right, title and interest in the subject property are forged. There is a dispute over the title to the subject property, the first informant claiming to be the transferee of the said title by Prashant Kumar, the successor-in-interest of Assa Ram alias Assa Nand who was the original allottee. The petitioner

herein claims right and interest in the said property, *inter alia*, on the basis of agreement to sell dated 23.10.1970 executed by Mr. Krishan Kumar Arora in favour of the father of the petitioner.

The core issue which needs to be addressed and investigated into concerns the genuineness of the said agreement to sell dated 23.10.1970.

One of the grounds on which the bail application is resisted and which weighed with the court of sessions in declining such relief by order dated 30.08.2018 is that there was no reference to said agreement to sell dated 23.10.1970 in the civil suit no.71/2010 which was instituted earlier on 20.03.2010. This objection, it appears, may not be wholly correct as the petitioner in his suit for cancellation, declaration and permanent injunction instituted in 2017, it being pending trial on the original side of this Court, there is a clear reference to the said document as the source of the title claimed by the petitioner. Whether or not the document is forged or genuine will need forensic scrutiny.

In the given facts and circumstances where the parties are also before the civil court on the same issues, the petitioner deserves protection. The petition is allowed. It is directed that in the event of he being arrested, he shall be released on bail by the arresting officer on furnishing personal bond in the sum of Rs.10,000/- with one surety in the like amount subject to the following further conditions:-

- (i) The petitioner shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioner shall not come in contact with or try to influence any of the witnesses connected to the case;

(iii) Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer;

(iv) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

This order will inure only till the date of first appearance of the petitioner in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against him by the court of cognizance.

The petition stands disposed of in above terms.

Dasti.

R.K.GAUBA, J

SEPTEMBER 06, 2018

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