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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on:- 31st October, 2018

+ BAIL APPLICATION NO.2587/2018 and CrI.M.A.35414/2018

VISHNU KUMAR

..... Petitioner

Through: Mr. Mohit Mathur, Senior
Advocate with Mr. R.K. Tarun,
& Mr. Rohit Shukla, Advocates

versus

THE STATE

..... Respondent

Through: Mr. Amit Ahlawat, APP for the
State
Mr. Deepak Dewan, Advocate
for complainant.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The involvement of the petitioner has been alleged in the acts of commission and omission forming subject matter of the on-going investigation into first information report (FIR) No.1990/2013 of Police Station Karol Bagh, the said acts constituting offences punishable under Sections 420/468/471/34 of Indian Penal Code, 1860 (IPC). He has come up to this court by the present application seeking anticipatory bail, he having failed to obtain such relief from the court of Sessions on similar application (Bail Application No.2966/18) which was dismissed by order dated 16.10.2018.

2. The bail application is resisted by the respondent/State, as also by the complainant who had appeared through counsel.

3. Status report has been submitted and both sides have been heard at length, record perused.

4. The FIR was registered on the complaint of Mr. Jung Bahadur Singh, a physically disabled person who had applied to the Municipal Corporation of Delhi (MCD) for allotment of a public call office (PCO) booth in the quota reserved for handicapped persons. It appears that the application was made on 13.03.1995 and had led to allotment of a PCO booth in the vicinity of Police Station Karol Bagh, located at Hardayal Singh road. It is the grievance of Jung Bahadur Singh that he did not receive any such allotment and rather the booth allotted in his name was usurped by a person connected to what he described as *booth mafia*. It appears that on the basis of some application later moved, the allotment of the booth was shifted to another location in his name, some false documents having been executed purportedly transferring the right vis-à-vis the booth allotted in the name of Nand Lal Ahuja, such documents inclusive of a general power of attorney (GPA) and agreement to sell both dated 23.08.2005. As per the evidence gathered so far by the police, Nand Lal Ahuja is cousin brother of the petitioner, he (the petitioner) being an attesting witness to both the said documents, *i.e.*, GPA and agreement to sell. The evidence gathered by the police shows that the petitioner, in connivance, possibly with municipal officials, had got the allotment letter issued in the name of Jung Bahadur Singh at his own address and thereafter having taken over the allotted booth, having used it all along till it was wrongfully transferred, unauthorizedly and illegally,

in the name of his cousin brother Nand Lal Ahuja. The forensic opinion which has been collected confirms forgery of the document and the attestation by the notary public also having been fabricated.

5. The petitioner has been avoiding joining investigation and against this backdrop, duress process having failed to secure his presence at the instance of the investigating agency, the process under Section 82 Cr.P.C. has been initiated by the court of Metropolitan Magistrate.

6. Given the gravity of the offences involved as indeed the elusive conduct of the petitioner, no case for anticipatory bail is made out.

7. The petition and applications filed therewith are dismissed.

8. This disposes of pending application as well.

R.K.GAUBA, J.

OCTOBER 31, 2018

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