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

Judgment delivered on 13.12.2019

+ **BAIL APPLN. 2937/2019**

RAJA SINGH

..... Petitioner

Through: Mr.A.K.Singh, Advocate.
versus

THE STATE(GOVT. of NCT of Delhi

..... Respondent

Through Ms. Tarang Srivastava,
APP for State.
ASI Mahavir Singh:
PS Paschim Vihar.
Mr. H.S.Sachdeva along with
Mr. Gaganmeet Singh
Sachdeva and Inderdeep Singh,
Advocates for complainant.

CORAM:
HON'BLE MR. JUSTICE BRIJESH SETHI

J U D G M E N T

BRIJESH SETHI, J.(Oral)

1. Vide this order, I shall dispose of an anticipatory bail application filed u/s. 438 CrPC by the petitioner **Raja Singh** in FIR No. 439/2019, u/s. 448/380/34 IPC, P.S. Paschim Vihar, Delhi.

2. Ld. Counsel for the petitioner has prayed for anticipatory bail on the ground that petitioner is innocent and falsely implicated. Petitioner's father has already paid the consideration amount for the flat in question to the complainant through his relative Amarjeet Singh and Mr. Tajender Singh, whom the complainant had authorized to take possession from the DDA. The complainant was aware of the fact that the money has been transferred in the account of his relative. It is further submitted that since the complainant has never resided in the property, therefore, no question of his stealing the goods from the property in question arises. It is further submitted that no offence under section 380 IPC is made out. It is next submitted that since the petitioner has already joined the investigation, therefore, he be released on bail in the event of his arrest.

3. Ld. APP for the state has opposed the bail application on the ground that allegations against the petitioner are serious in nature. Petitioner is residing in the flat in question and claiming himself to be the owner of the same without any purchase document. It is further submitted that merely on the basis of Aadhar Card and Voter ID Card, petitioner cannot claim himself to be the owner of the flat in question.

He has, therefore, prayed for dismissal of the anticipatory bail application.

4. I have considered the rival submissions. As per record, complainant Sh. Ravinder Pal Singh is the owner of property bearing flat No. 59, Nagin Lake Apartment, Paschim Vihar, Delhi allotted to him by DDA vide Conveyance Deed dated 31.05.2013. Since he was residing in Amritsar, Punjab, he had executed a Special Power of Attorney in favour of his relative Sh. Tajinder Singh to take physical possession of the flat in question from DDA. Sh. Tajinder Singh had taken the possession of the flat and informed the complainant that he has given the flat in question to his brother-in-law Sh. Amarjeet Singh for residing therein. However, 10.08.2019, when complainant visited his flat, he found petitioner Raja Singh residing there along with his family. Petitioner informed the complainant that he has purchased the said flat from one Mr. Amarjeet Singh. However, petitioner and his father Kuldeep Singh could not produce any documents of ownership or proof of purchase of the flat in question. They,

however, submitted that they are residing in this flat since 2004 and provided proof of residence i.e. Voter Card, Aadhar Card etc.

5. In view of the allegations against the petitioner that he has illegally occupied the flat in question and has no document to show his right/title or interest in the said flat and has not joined the investigation and process under Section 82 Cr.P.C. has been issued against him and his custodial interrogation is required to recover the stolen articles, no grounds for anticipatory bail are made out. The anticipatory bail application is, therefore, dismissed.

DECEMBER 13, 2019
(AK)

BRIJESH SETHI, J