

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

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Reserved on: January 28, 2019

Decided on: January 29, 2019

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BAIL APPN. 511/2018

SANJAY YADAV

..... Petitioner

Represented by: Mr.Puneet Mittal, Sr.Advocate with
Ms.Richa Singh and Ms.Vasudha
Bajaj, Advocates

versus

THE STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Represented by: Ms.Meenakshi Chauhan, APP for the
State with Insp.Ramesh Chandra,
DIU, Dwarka Mr.V.K.Shandilya and
Mr.Dhruv Sharma, Advocates for
complainant
Mr.Tanmaya Mehta, Mr.Piyush Singh
and Mr.Akshay Srivastva, Advocates
for the victims

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

1. By the present petition, the petitioner seeks anticipatory bail in case FIR No.653/2014 under Sections 420/467/468/478/120-B IPC registered at PS Chhawla on the complaint of Dharmender Yadav filed before the learned Metropolitan Magistrate under Section 156(3) Cr.P.C.
2. Allegations of Dharmender Yadav who is also an accused now in the FIR in question having been arrested are that the petitioner son of Narayan Singh forged the signatures of complainant's father Late Bharat Lal on a receipt allegedly dated 3rd December, 2009 showing that the deceased along

with his brothers had received a sum of ₹34,50,000/- in respect of an alleged agreement to sell qua sale of agricultural land measuring 31 bighas, 18 biswas forming part of Khata No.143/126, Khasra Nos.41/5, 42/1, 2/2, 10, 9, 11, 12, 14, 18/2 and 22 situated in the revenue estate of village Pandwala Kalan, New Delhi despite the fact Late Bharat Lal died on 6th July, 2009. It is further alleged that the petitioner used the said receipts before this Court in CS (OS) No.800/2013 titled as Sanjay Vs. Shiv Narayan & Ors. The petitioner further produced an affidavit-cum-receipt before this Court allegedly executed by Dharmender Yadav in front of two witnesses Ajay Kumar and Divyanshu Dutt acknowledging receipt of ₹34,50,000/- in cash by him and his uncles and that receipt was returned after getting his father's signatures. During the course of investigation, the alleged receipts-cum-affidavit/undertakings were also found to be forged as the revenue stamp affixed on the alleged receipt dated 3rd December, 2009 was printed in May, 2011 at Indian Security Press, Nasik and dispatched for sale in August, 2011 and thus could not have been available for sale on 3rd December, 2009. The third forgery allegedly committed by the petitioner is the part payment receipt of ₹34,50,000/- wherein as per the FSL Report, the numerical '1' has been altered to '4' and signatures of Bharat Lal were found to be forged.

3. Learned counsel for the petitioner has taken this Court through the various documents and states that though today Shiv Narayan and Satya Dev are opposing his bail application but as per the FSL Report, the signatures of Satyadev and Shiv Narayan on the receipt have been found to be genuine and signed by them. He further states that there are video recordings to show that Dharmender Yadav had accepted part payment of ₹34,50,000/- which fortifies the case of the petitioner that the money was duly given to

Shiv Narayan, Satyadev and Dharmender Yadav. The petitioner has already settled the matter with the legal heirs of Bharat Lal namely Rekha, Mala and Dharmender and the signatures of Satya Dev and Shiv Narayan being genuine, the petitioner is entitled to anticipatory bail.

4. Learned counsel for the petitioner has also taken this Court through other documents wherein signatures of Shiv Narayan have been found to be genuine and contends that besides payment of ₹60,00,000/- and ₹34,50,000/- further payments have also been made which documents are genuine in nature even as per the FSL Report. He has also taken this Court through the sale deed executed between the petitioner and legal heirs of Bharat Lal wherein the balance consideration has been received by them by various bank transactions and that they acknowledge the receipt of the payments earlier and thus it cannot be held that the petitioner with the intention to cheat forged the documents.

5. The issue in the present petition is not only of having in the first instance created forged and fabricated documents but also of filing forged documents before this Court.

6. As noted above, in the part payment received, the figure of '1' has been changed to '4'. Further signatures of Bharat Lal were forged and fabricated as he was no more alive on 3rd December, 2009 and even as per opinion of the handwriting expert the said signatures did not belong to Bharat Lal. Further even the receipt dated 3rd December, 2009 acknowledging receipt of ₹34,50,000/- by Dharmender Yadav is a manufactured document for the reason the revenue stamps was not available on 3rd December, 2009 for being purchased in the market.

7. Considering the FSL Report and facts which have emerged in investigation, this Court does not find it to be a fit case for grant of anticipatory bail to the petitioner.

8. Petition is dismissed.

(MUKTA GUPTA)
JUDGE

JANUARY 29, 2019

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