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

+ **BAIL APPLN. 2799/2019**

SH. NATHU RAM

..... Petitioner

Through

Mr. A.K. Diwan, Adv. with Mr.
L.K. Dixit, Advocate.

versus

STATE

..... Respondent

Through

Ms. Rajni Gupta, APP for the State
with SI Dharmender Kumar-PS GTB
Enclave.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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09.01.2020

CRL.M.A. 39889/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 2799/2019

1. The petitioner has filed the present application U/s 438 Cr.P.C for grant of anticipatory bail in case FIR No. 0195/2019 U/s 420/467/468/471/120-B/34 IPC registered at PS G.T.B. Enclave.
2. The allegation against the petitioner is that he is living in the property in question on the basis of some forged documents prepared by him. The complainant claims that he is a partner of Tirupati Enterprise, 270, 1st Floor, AGCR Enclave, Delhi 92 who is the owner of the property in question bearing No. 340 out of Khasra No. 1184/20 Main G.T. Road, Friends Colony, Industrial Area, Delhi-32 vide registered sale deed dated 22.12.2006 having been executed by its erstwhile owner. The petitioner

also claims his wife to be the owner of the said property in question and has produced separate set of documents, which the complainant claims are forged.

3. It is submitted by the Ld. counsel for the petitioner that the petitioner has been falsely implicated in the present case. He further submitted that the wife of the petitioner is the owner of the property in question. He further submitted that the petitioner has no role to play in the present case. He is neither the owner nor the witness in the documents and simply because his wife is the owner of the property and her name is there in the alleged forged documents, he has been falsely implicated in the present case. He further submitted that the petitioner had joined the investigation and all the ownership documents in respect of the property in question have already been handed over to the police. He further submitted that nothing is to be recovered from the petitioner and he is ready to join the investigation further as and when directed by the IO. He further submitted that some civil and criminal litigations are also pending between the parties in different courts.

4. On the other hand, it is submitted by the Ld. APP for the state that the ownership documents of the property in question handed over by the petitioner are found to be forged and fabricated. He further submitted that the General Power of Attorney in respect of the property in question which has been executed in favour of the wife of the petitioner is attested by one Rajendra Singh, Notary Public but on inquiry it is found that no person by the name of Rajendra Singh was Notary Public in the year April 1994 in which the said alleged GAP was executed.

5. Be it as may, the petitioner is neither the owner nor the witness in the alleged ownership documents of the property in question. The photocopies

of the ownership documents of the property in question has already been handed over by the petitioner to the investigating agency. It is stated in the status report filed by the State that the petitioner informed that original GPA of the property in question has been deposited/filed by him in civil Court Karkardooma where a civil matter is pending between the parties. It is further stated in the status report that an application shall be filed in the Civil Court, Karkardooma to procure the forged documents in original.

6. Therefore, looking into the facts and circumstances of the case and the nature of allegations against the petitioner, the application is allowed and it is ordered that in the event of arrest, the petitioner be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the IO/SHO concerned, subject to the following further conditions :

- (a) The petitioner shall not leave the National Capital Territory of Delhi without due permission from the concerned SHO;
- (b) The petitioner shall provide his contact details to the concerned SHO and be reachable at all times and he shall make himself available for interrogation to the IO of the case as and when called by him.
- (c) The petitioner shall not contact the complainant or the witnesses or try to influence them in any manner.

7. The application is disposed of in the aforesaid terms.

8. Order *dasti* under the signatures of the Court Master.

RAJNISH BHATNAGAR, J

JANUARY 09, 2020

Sumant