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

+ **BAIL APPLN. 801/2019**

CHAUDHARY RAJVEER JAISWAL

..... Petitioner

Through: Mr S.K. Rai and Mr Mahesh Chand
Sharma, Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr Satish, Advocate for complainant.
SI Jay Kishan, PS Saket.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **15.01.2020**

1. The petitioner has filed the present petition, *inter alia*, praying for anticipatory bail in connection with FIR No. 363/2017 under Sections 420/468/471/34 of the IPC, registered with PS Saket.
2. The said FIR was registered pursuant to an order passed by learned ACMM (South) in an application under Section 156(3) of the Cr.P.C. filed by the complainant (Mr Ram Kumar Roy S/o Mr Jagdish Roy). The complainant stated that he was the absolute owner of the flat bearing no. 405, First Floor, DDA Janta Flat, Pul Prahladpur, New Delhi (hereafter 'the said property').
3. The complainant claimed that he had purchased the said property by a registered GPA, registered agreement to sell and purchase, special power of attorney, affidavit, receipt and possession letter etc. dated 20.12.2005. He stated that in terms of a Rent Agreement dated 06.11.2012, he had let out the said premises to the petitioner who was, at the material time, residing

adjacent to the said property in flat bearing No. 407 DDA Flats Pul Prahladpur, New Delhi as a tenant. He claimed that the petitioner had paid rent till July, 2013 and thereafter stopped paying rent. This has led the complainant to file a civil suit for affecting the petitioner for claiming damages. During the said proceedings, the petitioner set up a case that he was in fact the owner of the property in question. He produced several documents including GPA/Affidavit and an agreement to sell in support of his claim that he had purchased the said property from the original allottee (one Smt. Pushpa Devi) in the year 1995.

4. The status report has been filed which indicates that investigations have revealed that the petitioner has more than one identity. It is alleged that he also carries an identity of Munna Kumar Jaiswal. It is stated that as per the PAN card of the petitioner, his date of birth is 15.07.1980. The voter ID Card of Munna Kumar Jaiswal, which bears the photograph of the petitioner, indicates that his date of birth is 15.07.1979.

5. In view of the above, if the claim of the petitioner is accepted, it would mean that at the time when the said property was purchased by him, he was merely fifteen years old.

6. The status report also indicates that investigations have revealed that the photocopy of the documents set up by the petitioner appear to be fabricated. The petitioner has not produced original documents as yet and claims that they are lost.

7. There is reasonable ground to assume that the petitioner is guilty of the offence for which he was charged. The matter is under investigation and

in view of the above, this Court does not consider it apposite to allow the present petition.

8. Accordingly, the present petition is dismissed.

JANUARY 15, 2020
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VIBHU BAKHRU, J