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

+ BAIL APPLN. 1113/2018

SHIVENDRA CHOUDHARY Petitioner

Through Mr.Sudhir Naagar, Adv.

versus

STATE OF NCT OF DELHI Respondent

Through Mr.Hirein Sharma, APP for State.
SI Yoginder Singh PS Jagat Puri.
Mr.Yogesh Kumar, Adv. for
complainant/R-2.

+ BAIL APPLN. 1190/2018

SATENDER CHOUDHARY Petitioner

Through Mr.Sudhir Naagar, Adv.

versus

STATE OF NCT OF DELHI Respondent

Through Mr.Hirein Sharma, APP for State.
SI Yoginder Singh PS Jagat Puri.
Mr.Yogesh Kumar, Adv. for
complainant/R-2.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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14.02.2020

The present petitions are filed under section 438 Cr.P.C. on behalf of the petitioners for grant of anticipatory bail in pursuance to FIR No.28/2018 registered at Police Station Jagat Puri for the offences punishable under

sections 448/380/34 IPC.

It is alleged in the complaint that complainant purchased property bearing Flat No. 1C, Neelkanth Apartment, IP Extn, Delhi-92 in July 2017 and started residing in the said property since then. He locked his ancestral house bearing House No. 54A, Shivpuri, Delhi in which some articles were kept.

On 11.02.2018, at around 1 p.m. when he went to his ancestral house, he did not find lock on the door. However, when he knocked at the door, petitioner opened the door.

It is alleged that Petitioner, co-accused Pakshil & Satendra (petitioner in Bail Application No.1190/2018) told that the house belongs to them and they started arguing and abusing complainant. On that date, he had not made any written complaint and had only called on No.100. The accused persons had collectively stolen their articles and have illegally taken possession of his property and thereafter, complaint was made to take action. Consequently, FIR No.28/2018 was registered on 13.02.2018 at Police Station Jagat Puri.

The case of the petitioner is that co-accused Pakshil Choudhary against whom similar allegations have been made by complainant has already been granted anticipatory bail by the learned ASJ vide order dated 21.02.2018 and the petitioners were also granted interim bail vide order dated 27.02.2018 by the said Court, however, his anticipatory bail application was dismissed by the learned ASJ vide order dated 31.03.2018.

Thereafter, in Bail Application No.1113/2018 vide order dated 13.04.2018, the petitioner was granted interim bail on medical grounds.

Counsel for the petitioner further submits that petitioners have

reasonable apprehensions that they might be arrested by the police in the present case and as such they pray to grant anticipatory bail.

On perusal of order dated 21.02.2018 passed in Bail Appln.543/2018 whereby anticipatory bail was granted to co-accused Pakshil Choudhary, learned sessions court has observed that both parties were directed to bring their original documents. Counsel for applicant therein had produced their documents. Complainant had produced an NCR to the effect that his original documents had been lost. Complainant produced a GPA dated 05.02.2003. There was no chain of ownership of documents prior to this period. Some civil suit was also filed by father of applicant therein against complainant side. The complainant though claims to be owner of property and residing in the same since 1974 but surprisingly his documents of alleged purchase of the same are of the year 2003. The complainant has also not been able to show the documents of previous owner and very conveniently placed an NCR on record regarding missing of earlier chain.

Keeping in view the aforesaid fact, Trial Court granted anticipatory bail to Pakshil Choudhary and similar allegations are upon the petitioners herein, therefore, on parity, the petitioner deserves anticipatory bail. The IO concerned, is hereby directed that in the event of arrest, the petitioners/applicants be released on bail on the following terms and conditions:-

- (i) That the petitioner shall furnish a personal bond in the sum of ₹15,000/- with one surety each in the like amount subject to the satisfaction of IO concerned;
- (ii) That the petitioners shall cooperate with the investigation and make himself available for interrogation by police officer, as

and when required;

In case of default of aforementioned conditions, the State is at liberty to take appropriate recourse in accordance with law.

Before parting with the order, it is relevant to mention that nothing contained in this order shall be construed as an expression on the merits of the case.

Application is allowed and disposed of.

Order dasti under signatures of the Court Master.

SURESH KUMAR KAIT, J

FEBRUARY 14, 2020

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