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

\+ BAIL APPLN. 1427/2018

VIJAY SINGH ..... Petitioner

Through: Mr. Sanay Vashishtha and Mr. Param Vashist, Advocates

versus

STATE (NCT OF DELHI) ..... Respondent

Through: Mr. Hirein Sharma, APP for State with SI Parmod Kumar, P.S. Tigri.
Mr. Sandeep Verma, Advocate for complainant.

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

<u>O R D E R</u>

% **30.01.2020**

1. The present petition is filed under Section 438 Cr.P.C., 1973 for grant of anticipatory bail in FIR no. 433/2012 dated 13.10.2012 registered at Police Station Sangam Vihar for the offences punishable under Section 420/467/468/471/448 and 34 of the Indian Penal Code, 1860.

2. As stated in the present petition, Petitioner is lawful owner and in possession of property bearing No. G-12/230, Sangam Vihar, New Delhi, having purchased the same against lawful consideration from complainant Late Smt. Saroj Devi vide legal and valid sale/transfer documents dated 22.01.2008 in the presence of witnesses. She handed over peaceful vacant possession of the said property to petitioner and executed a possession letter of even date. Since 22.01.2008, petitioner and his family members have

been residing peacefully in the said property.

3. Learned counsel appearing on behalf of petitioner submits that the present case has been instituted against petitioner on the basis of false allegations and sole purpose of the said case is to harass and intimidate petitioner. Three and a half years subsequent to the sale of the suit property, intention of the Complainant became malafide and in order to grab the suit property, complainant along with her associates arrived at the said property on 22.11.2011 and picked up quarrel with petitioner and his wife and further extended threats to have the property vacated. Thereafter, on various occasions the complainant along with her associates threatened the petitioner. Consequently, he lodged a complaint on 11.12.2011 with P.S Sangam Vihar, Delhi vide DD No. 42-B.

4. Petitioner also filed suit for permanent injunction against the complainant along with an application for interim relief being Suit No. 563/2011. The complainant appeared in the said suit in the court of learned Civil Judge, Saket, New Delhi on 22.12.2011 and made a statement that she will not dispossess petitioner from the property in question without due process of law. In view of said statement the suit was dismissed as withdrawn vide order dated 22.12.2011.

5. Learned counsel further submits that on 02.01.2012, the complainant along with Ashok and certain other notorious goons visited suit property and extended threats to kill petitioner and also threatened to dispossess him from the said property on 3.1.2012. Accordingly, Petitioner lodged complaint with P.S. Sangam Vihar, New Delhi on 02.01.2012. However, no action was taken against the accused. Thereafter, it came to the knowledge of petitioner that the complainant has lodged a false and frivolous complaint

against petitioner with aforesaid Police Station, petitioner moved an anticipatory bail application and the same was disposed of vide order dated 22.8.2012 by the learned ASJ wherein the IO was directed to give seven days prior arrest notice to the petitioner.

6. Learned APP appearing on behalf of State submits that as per the FSL report the documents with regard to the sale of the subject flat alleged to have been executed by the complainant in favour of petitioner have found to be forged. He further submits that the Investigating Officer has not been able to trace out the Notary Public who is alleged to have notarized the documents as there is no registration number or address mentioned in his seal. Whereas, learned counsel for petitioner submits that the Notary Public, who had notarized the documents on 22.01.2008 was then sitting near the Electricity Board Office, Pul Prahlad Pur, Delhi.

7. It is pertinent to mention here that this Court on 16.11.2018 observed that the documents bear a seal of Notary Public, Delhi in the name of Surender Kumar appointed by Govt. of NCT of Delhi. From the seal, it appears that there is no registration number and address of the Notary Public. Accordingly, an affidavit was directed to be filed by the Govt. of NCT of Delhi disclosing as to when, Surender Kumar who is alleged to have notarized the documents on 22.01.2008, was appointed by the Govt. of Delhi and also to disclose the registration number and personal details of a Notary Public, and whether inter-alia, the address and telephone number are required to be mentioned on the documents.

8. On 10.12.2018, learned APP submitted that in terms of order dated 16.11.2018, Govt. of NCT of Delhi had been trying to trace out the Notary Public and Stamp Vendor, however failed, due to incomplete details.

9. On 07.05.2019, Mr. Vijay Joshi, Advocate appeared on behalf of UOI and submitted that as per the records, license of the notary Surinder Kumar was renewed on 15.04.2012 and subsequently on 15.04.2017. To this effect, documents were filed and taken on record. Whereas, learned APP submits that as per the enquiry made, said Notary expired on 19.09.2010. Thus, it establishes, in view of above facts, that Surinder Kumar was Notary Public of Govt. of NCT of Delhi and Central Government as well.

10. Be that as it may, the documents in question are forged and original documents are with petitioner to be seized. Therefore, the custodial interrogation is required. Accordingly, I am not inclined to grant anticipatory bail to the petitioner.

10. The petition is accordingly dismissed.

SURESH KUMAR KAIT, J

JANUARY 30, 2020

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