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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Order pronounced on 16.11.2022*

+ BAIL APPLN. 1258/2022

SMT. SADHANA SAINI Petitioner
Through: Mr. Sunil Kumar, Advocate.

versus

STATE (NCT OF DELHI) Respondent
Through: Mr. Narinder Jit Singh Bajwa, APP
for State.
SI Sita Ram, PS Karawal Nagar.

CORAM:
HON'BLE MR. JUSTICE TALWANT SINGH

Talwant Singh, J.:

1. This is first anticipatory bail application filed by the petitioner Smt. Sadhna Saini under Section 438 Cr.P.C. for grant of bail in case FIR No. 0146/2020 under Sections 419/420/406/468/471/506/120B/34 IPC registered in PS Karawal Nagar, Delhi.

1.1 It has been submitted that the applicant is innocent and she has not committed any crime but she apprehends arrest in some false case. She had earlier moved an application for grant of anticipatory bail, where she was given protection by the police of giving notice of 3 days by the police vide order 04.06.2020.

1.2 Notice was served by the IO on the present petitioner on 05.04.2022. The applicant is stated to be a respectable lady and having deep roots in the society and she is stated to be cooperating in the investigation. Moreover, custodial interrogation is not required as she has already handed over the

requisite documents to the police; the complainant is the husband of the applicant and there is marital discord between the two and she has filed various complaints/cases against her husband; the co-accused has already lodged an FIR against the complainant under Section 354/323/506 IPC vide FIR No. 31/2019.

1.3 It has been further mentioned that complainant has already filed a suit for possession of the property in dispute against the applicant. Another case was filed for grant of mandatory injunction against the petitioner. The present FIR is the counter blast to the cases filed by the petitioner and her daughter Miss Shivani with the sole motive to pressurize the complainant and other co-accused to withdraw their cases against him. Dispute between the complainant and the accused persons is of a civil nature, which is being given a colour of criminal case. The earlier bail application moved by the petitioner was dismissed by the learned ASJ on 12.04.2022. Under these circumstances, it has been prayed that the petitioner may be given the relief of anticipatory bail in this case.

2. Notice was issued. Status Report has been filed mentioning therein that the complainant Jagpal Saini had alleged that he and the present applicant were living in live-in-relationship since 1997-98 at A-21, Gali No.3, Ankur Enclave, Karawal Nagar, Delhi. The applicant had two children prior to this relationship, who were also living in the same premises. The complainant and the applicant were never married. Disputes arose from December, 2018 onwards and the complainant moved to a rented premises. The applicant did not vacate the premises in question despite several requests and legal notices. She forged and fabricated GPA dated 26.04.2004 and got the property transferred in her own name. The co-

accused lodged an FIR No. 31/2019 under Sections 323/354/506 IPC registered at PS Karawal Nagar against the present complainant. On 02.08.2019, the present applicant had given a complaint vide DD No. 15B against the complainant at PS Karawal Nagar and on the basis of the said complaint, FIR No. 287/2019 was registered under Sections 323/341/354/506/34 IPC at PS Karawal Nagar. The IO has submitted a cancellation report.

2.1 The complainant is stated to be a handicapped person. On the GPA dated 26.04.2004, the signature of the complainant are present at several places but every signature is looking similar which leads to the suspicion that it is forged and fabricated. Photocopy of the said GPA produced by co-accused/applicant Smt. Sadhana Saini was seized and sent to FSL for examination. She has further transferred the alleged property to her daughter Shivani Kumari vide GPA dated 29.04.2019.

2.2 It is further mentioned that during investigation, verification of the stamp papers used to prepare GPA dated 26.04.2004 was carried out but the report received is that the record of the concerned stamp vender is not traceable. Complainant Jagpal Saini has been examined, who has categorically denied execution of any such document. One Vinod Kumar has been shown as witness in the alleged GPA dated 26.04.2004, who has stated in his statement to the police that he had signed the document one year ago on the mis-representation by the present applicant/petitioner. The statement of the second witness, namely, Mahesh Kumar, was also recorded, who has stated that he had signed as a witness on the alleged GPA on the direction of the present applicant but he was not aware of the contents of the same and the applicant has mis-represented to him that it was an affidavit

related to Saini Public School to be submitted before the Education Department.

2.3 The accused/applicant Smt. Sadhana Saini has used this GPA dated 26.04.2004 to shows herself as an owner and to transfer the property in question in name of her daughter as per the FSL Report. The signatures on the GPA appeared to be drawn and show lack of natural variations and these signatures were also superimposed over each other and they appear to be drawn from one model signature, which is an act of forgery.

2.4 The bail has been opposed on the grounds that the present applicant/accused has prepared these forged and fabricated documents and custodial interrogation is required to uncover the whole conspiracy and trace source of alleged documents and stamp papers and further to establish the role of the accused. Original GPA is still in the possession of applicant/accused which is a vital and substantial piece of evidence, so , it has been prayed that the anticipatory bail may be rejected.

3. The application for interim protection was moved, being CrI.M.A. 9610/2022, which was disposed of vide order dated 24.05.2022. It was observed in the said order as under:-

“5. I have heard learned counsel for the petitioner as well as complainant and learned APP for State. I have also gone through the order of the learned ASJ, who had rejected the anticipatory bail application of the present petitioner on 12.04.2022. The four factors which have been noticed in the said order are:

- (i) The original alleged forged documents are stated to have been lost by the present petitioner.*
- (ii) The report of the FSL regarding forgery of the signatures of the present complainant is against the present petitioner.*
- (iii) Whereabouts of the stamp paper vendor, from whom the*

stamp papers were allegedly purchased, are not known.

(iv) The two witnesses to the documents have also not supported the claim of the accused.

6. In view of these 4 factors, at this stage I am also not inclined to grant interim protection to the present petitioner.

7. Learned counsel for the petitioner has relied upon 2 judgements of this Court:

(i) 'Samrat Singh Nirula and Ors. Vs. State of NCT of Delhi' in Bail Appln. No. 145 and 146/2015, decided on 12.05.2015.

(ii) 'Sangeeta Bhatia Vs. State of NCT of Delhi' in Bail Appn. No. 3067/2018, 'Laksh Bhatia Vs. State of NCT of Delhi' in Bail Appn. No. 1116/2019 and 'Pawan Bhatia Vs. State of NCT of Delhi' in Bail Appn. No. 1119/2019.

7.1 I have gone through these judgements. The facts of these two cases are not identical to the present case where there are 4 factors which are against the present petitioner and accordingly, I am not inclined to grant interim protection to the petitioner at this stage.

8. The application is accordingly disposed of".

4. The position remains the same regarding the above mentioned four factors, which are against the petitioner.

4.1 In the present case, the basis document being the, forged GPA dated 26.04.2004, is conveniently said to have been lost by the present petitioner. The petitioner has already denied benefit out of the said GPA. Even as per the photocopy produced by her, which was sent to FSL, the report is in favour of the complainant, so, her custodial interrogation is required to trace the original documents, on the strength of which, the property worth lakhs of rupees is alleged to have been siphoned off by the present petitioner;

4.2 Similarly, the record of the sale of the alleged stamp paper used in GPA is also not traceable; which again points a finger towards the present petitioner and her custodial interrogation is required alongwith her

conspirators; who had allegedly procured the stamp paper for the said GPA as mentioned above and as such she is not entitled to grant of anticipatory bail.

4.3 The FSL report is also against the present petitioner as it was observed that the signatures and thumb impression on the said GPA were made by superimposing each other and documents are forged and fabricated made by electronic transplantation, hence the present petitioner is not entitled to anticipatory bail.

4.4 Both the witnesses to the alleged documents have not supported the present petitioner, which again points out a well hatched conspiracy to deprive the complainant of his valuable property and master mind of the entire conspiracy is alleged to be the present petitioner, therefore, she is not entitled to the anticipatory bail.

4.5 Reliance has been placed upon the matter titled as “*Sangeeta Bhatia v. State of NCT of Delhi*” Bail Appl. No. 3067/2018 decided on 14.02.2022 by a Co-ordinate Bench of this Court. However, the facts of the said case are quite different from the facts of the present case and the ratio of the said judgment is not applicable to the facts of the present case.

5. The anticipatory bail application moved by the present petitioner is hereby dismissed for the abovesaid reasons.

TALWANT SINGH, J

NOVEMBER 16, 2022/nk/mr

[Click here to check corrigendum, if any](#)