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

+ **BAIL APPLN. 2446/2023, CRL.M.(BAIL) 1028/2023**

MANDEEP SINGH SANDHU

..... Petitioner

Through: **Mr. Harshit Thareja, Adv.**

versus

STATE & ANR.

..... Respondents

Through: **Mr. Amit Sahni, APP for the State
with SI Ravi Yadav, PS Lajpat Nagar**

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Date of Decision: 26th July, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 19416/2023 (Exemption)

Exemption is allowed subject to all just exceptions.

BAIL APPLN. 2446/2023

1. This is an application under Section 439 Cr.PC seeking grant of regular bail in case FIR No.306/2020 under Sections



420/468/471/120B registered at PS Lajpat Nagar, South-East.

2. Learned counsel for the petitioner submits that he is pre-dominantly seeking the application on following grounds:
 - (a) That there is a clear-cut violation of the directions issued by the Hon'ble Apex Court in "**Arnesh Kumar v. State of Bihar**" 2014 SCC OnLine 532 , as the FIR was lodged under Section 468/420/471/120B IPC and without any notice or recording the reasonable cause for arrest, the petitioner was arrested illegally.
 - (b) The offence under Section 467 IPC was added later on only to frustrate the right of the accused to enjoy the benefit of statutory bail.
3. Learned counsel for the petitioner submits that even as per the case of the prosecution, the petitioner has no role in the execution of alleged forged Power of Attorney. Learned counsel also submits that the petitioner is not a beneficiary of even a single penny. It has been submitted that accused is in custody since 29.03.2022. The charge sheet has already been filed and trial may take a long time and therefore the petitioner may be entitled to be admitted on bail.
4. Learned APP for the State has opposed the bail application. Learned APP has invited the attention of the Court to the status report filed by the IO in the learned Trial Court dated 18.05.2023. Learned APP submits that this same status report may be read by this Court.



5. Learned APP submits that in this case the accused entered into a well-planned conspiracy wherein a Power of Attorney was forged, purported to have been executed by Sh. Jagdev Singh Dhillon in favour of Sh. Amarjeet Singh Dhillon to sell the property No. 50 Hemkunt Colony, New Delhi. Learned APP submits that on the basis of this, one Sh. Suresh Kumar Sharma @ Sham Sharma, Property Broker contacted the complainant and received a sum of Rs. 82,50,000/-. Learned APP further submits that in order to further misrepresent before the complainant party. An email ID Jagdevsinghdhillon583@gmail.com was given to the complainant party. On this email ID, the complainant party had conversation with Sh. Jagdev Singh Dhillon, in which the execution of Power of Attorney and receipt of money was endorsed. However, it was found later on that this email ID did not belong to the owner of the property i.e. Sh. Jagdev Singh Dhillon.
6. Learned APP has also invited the attention of the Court to the status report where it has specifically been stated that the petitioner and his father late Paramjeet Singh received a sum of Rs.36.5 lacs in cash from co accused Amarjeet Singh Dhillon which were cheated from complainant Sanjay Sayal. Learned APP submits that therefore, the accused may not be admitted the bail.
7. It is a settled proposition that detention during the investigation or the trial stage cannot be a punitive measure. The Court has to see the



whether there is a prima facie case against the accused; whether the accused if release on bail may threat, intimidate the witnesses and whether the accused will face the prosecution and will not run away from the Course of the justice

8. The sum of substance of the case of the prosecution as detailed in status report dated 18.05.2023 itself alleged that the Power of Attorney was fabricated by father of the petitioner late Sh. Paramjeet Singh Dillon who died on 24.01.2021. It is also the case of the prosecution that the petitioner and his late father received Rs.36,50,000/- in cash from co-accused Amarjeet Singh Dhillon. In support of his contention, learned APP had also invited the attention of the court to the document at page 135 of the present bail petition. Thus, the evidence available against the petitioner is disclosure statement made by the co-accused.
9. The other allegation against the accused is that the he forged email ID and it was created on the mobile number which was being used by the petitioner. It is a matter of fact that the co-accused Sh. Amarjeet Singh Dhillon has been admitted to Interim bail by this Court and the other accused persons have not been arrested because as stated by the learned APP that they had already made the payment.
10. It is relevant mention that this fact of receiving cash has been denied by the learned Counsel for the petitioner. The document at page 135 is



a hand written document dated: 10.08.2022 which vaguely shows that some payment having been received by Sh. Paramjeet Singh Sandhu. However, there is no mention of the present petitioner in the said document.

11. I consider that taking into account the totality of facts and circumstances and without making any observations on the merits of the case, as it may prejudice the parties, the petitioner is admitted to bail on furnishing a personal bail bond of Rs.2,00,000/- with two sureties of the like amount to the satisfaction of the learned Trial Court which can impose any condition on the accused in order to ensure his presence of the accused in the trial and be subjected to the following conditions:

- (a) The petitioner shall not leave the country without permission of the learned Trial Court;
- (b) the petitioner shall not threaten or intimidate the witnesses and shall not tamper with the evidence in any manner.
- (c) The petitioner shall also report to SHO of PS: Jirakpur on every- Tuesday at 5:00 P M and shall appear every month before the IO of this Court on every third Thursday;
- (d) The petitioner shall also surrender his passport, if any, to



the investigation officer.

(e) In case of change of residential address and/or mobile number, the petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.

(f) In addition of this, learned Trial Court may impose any condition for ensuring the presence of the petitioner during the trial.

12.It is also relevant to note here that the bail to this accused has been granted on the basis of the facts and circumstances pertaining to present petitioner and shall not be precedent for the other accused persons.

13.In view of the above, the present bail application stands disposed of.

14.Copy of this order be communicated to concerned Jail Superintendent.

DINESH KUMAR SHARMA, J

JULY 26, 2023

Pallavi