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

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Reserved on: 13.09.2023
Pronounced on: 18.09.2023

+ **BAIL APPLN. 3055/2023 & CRL.M.A. 24599/2023**

RITU PALGOTRA

..... Petitioner

Through: Mr. N. Hariharan, Senior Advocate alongwith Mr. Vaibhav Suri, Mr. Yash Datt, Mr. Tabdeep Singh, Ms. Punya Rekha Angara, Mr. Prateek Bhalla, Mr. S. Mukherji and Mr. Mueed Shah, Advocates.

versus

STATE GOVT. OF NCT OF DELHI & ANR. Respondents

Through: Mr. Manoj Pant, APP for the State, with SI Laxman Singh, PS Kotla Mubarakpur. Mr. Ajit Sharma, Ms. Niranjana Kaur, Mr. Rishabh Sharma, Mr. Ashish Mehrotra, Mr. A. Renganath and Mr. Kanchan Kumar, Advocates for complainant.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J.

1. The instant application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of



applicant for grant of anticipatory bail in case FIR bearing no. 147/2023, registered at Police Station Kotla Mubarakpur for the offences punishable under Sections 406/468/471/120B of the Indian Penal Code, 1860 (*IPC*).

2. The present FIR was registered on the complaint of Mrs. Anita Palgotra who had stated that she was the owner of House No. 568, Prem Gali (Krishna Gali), Kotla Mubarakpur, New Delhi measuring 250 Sq. Yards, which had been given to her by her mother-in-law, late Smt. Krishna Wati, through a Gift Deed dated 10.01.2017 out of her love, affection and gratitude towards her and her husband i.e. elder son of Smt. Krishna Wati, since the accused persons Narender Palgotra i.e. younger son of Smt. Krishna Wati and his wife Ritu Palgotra i.e. present applicant used to harass, torture and hurl filthy abuses to their parents and hence, they had been debarred by their parents on 09.05.2013 by publishing a notice in a leading newspaper. It was alleged that even after being debarred, the accused persons had continued to illegally occupy the first floor of the property and had continued to extend threats to the old parents. It was stated that after the unfortunate death of the father-in-law of the complainant, the mother-in-law had gifted the property to the complainant on 10.01.2017 out of love and affection and being apprehensive of the illegal conduct of accused persons, and had also executed a will on the same day thereby mentioning all the illegal acts of the accused persons. The complainant further alleged that present accused in conspiracy with co-accused who is her husband had obtained signature from their mother late Smt. Krishna Wati on blank papers on



false pretext and after the death of their mother Smt. Krishna Wati on 04.01.2023, the accused Narender Palgotra had started ascertaining right over the first floor of the concerned property as he had executed a gift deed dated 05.01.2018 in favour of the present accused/applicant on basis of a GPA dated 03.03.2000 executed by late Smt. Krishna Wati in favour of co-accused Narender Palgotra. During preliminary enquiry, the accused persons were also not able to give any satisfactory reply to the query that on what basis co-accused Narender Palgotra had executed a gift deed dated 05.01.2018 in his wife's favour despite the fact that late Smt. Krishan Wati had executed her will and relinquishment deed for the disputed property in favour of Mrs. Anita Palgotra i.e. the complainant. Therefore, the present FIR was registered.

3. Learned Senior counsel for the applicant argues that the property in question had been bought by the mother-in-law of present applicant in the year 1974 and in January, 2000, an oral settlement had taken place and it had been decided that the applicant and her husband would live on the first floor and the elder brother would live on the ground floor of the property and this agreement was witnessed by several other family members. It is stated that a GPA and agreement to sell had also been executed on 03.03.2000 by late Smt. Krishan Wati in favour of co-accused Narender Palgotra, on the basis of which he had gifted the property to her wife i.e. the present applicant in the year 2018 as a security for her life. It is further argued that on 04.01.2023, the mother-in-law of applicant had expired and it was only a month thereafter that the applicant had got a call from the



police station that the complainant had given a complaint against her. It is stated that all the relatives have already informed the IO that late Smt. Krishan Wati had given the first floor to the accused persons. It is also argued that though the complainant claims that a notice had been published by the parents of co-accused Narender Palgotra in the year 2013 that they had disowned the accused persons, it is strange that even for 10 years thereafter, the accused persons had continued to reside on the same property and no action whatsoever had been taken by the complainant or her husband i.e. elder son of late Smt. Krishan Wati and the instant complaint was lodged only after the unfortunate demise of the mother in January, 2023. It is also stated that it is strange as to how as per the story of complainant, one brother and his wife gets all the properties and assets and the other, his wife and children get nothing. It is also argued that the complainant is claiming that the accused persons had obtained signatures of late Smt. Krishan Wati on blank papers since they know that the signatures are genuine and the documents in question had actually been executed by the mother out of her own free will. It is stated that applicant has already joined investigation and handed over all the relevant documents to the IO as well as to the DCP concerned, and therefore, she be granted anticipatory bail.

4. Learned APP for the State, duly assisted by learned counsel for the complainant, argues that the allegations against the accused persons are grave and serious in nature and the accused persons had committed forgery of documents. It is stated that when the portion of the property in question was already relinquished by the owner thereof



i.e. Smt. Krishna Wati in the year 2017 vide relinquishment deed and will as well as by way of gift deed in favour of the complainant Anita Palgotra, the transfer of the same property by co-accused Narender Palgotra to his wife accused Ritu Palgotra through a gift deed in the year 2018 gives rise to suspicion about the transaction. It is further alleged that the accused persons were also not able to produce the documents on the basis of which co-accused Narender Palgotra had executed a gift deed of the property in favour of his wife i.e. the present accused. It is further argued that there had been no oral family arrangement as argued by learned senior counsel for the applicant, and further that the GPA dated 03.03.2000 is a forged and fabricated document. It is stated that the custody of the applicant is required as she and her husband have not been able to adduce any proof of ownership of the property in question. It is stated that the applicant is not only a beneficiary to the illicit transaction but has actively taken part in preparation of the forged documents. It is therefore prayed that the application for grant of anticipatory bail be rejected.

5. The arguments addressed by learned Senior counsel as well as learned APP for the State and learned counsel for complainant have been heard and the material placed on record by both sides has been perused and considered.

6. In the present case, this Court is of the opinion that the dispute pertains to alleged property i.e. House no. 568, Krishna Gali, Prem Nagar, Kotla Mubarakpur, New Delhi-110003, between the two siblings. The complainant alleges that due to the ill-treatment, harassment, torture and total neglect by co-accused Narender Palgotra



and present accused/applicant Ritu Palgotra of their parents/parents-in-law respectively, they were debarred by the owner of the property i.e. their mother on 09.05.2013 by publishing notice in leading newspaper, and that the co-accused had obtained signatures of his mother on blank paper on false pretext and had misused those documents to assert rights on the first floor of the property, and the present applicant is his wife. Conversely, it is the applicant's case that as per oral settlement, her husband i.e. the younger son of late Smt. Krishan Wati had been given the first floor of the property who had then transferred the same in the name of his wife i.e. applicant herein through a gift deed in the year 2018 and till the present dispute had arisen, they had continued to reside at the same premises without there being any issue raised by the complainant herein with regard to ownership of the property.

7. The civil suit seeking declaration as well as permanent and mandatory injunction against the complainant already stands filed by the accused persons. There are no allegations that the signature of the deceased Smt. Krishna Wati i.e. mother of Narender Palgotra and mother-in-law of the complaint as well as present applicant are forged, but the allegations are regarding forgery in the contents of the alleged GPA and misuse of blank papers signed by their late mother. The GPA and other documents are under challenge by both the parties and the matter is sub-judice before civil court of law. It is not disputed that the parties are living in the same premises for years, and the dispute arose only after the demise of late Smt. Krishna Wati who was the mother-in-law of the complainant as well as present applicant.



8. The allegations regarding the genuineness of the documents and the title of the property has to be decided by a Civil Court, competent to do so and a roving enquiry into the same cannot be carried out by this Court. The case is under investigation, the present accused/applicant is the beneficiary of the gift deed executed by the son of the deceased, in whose favour the alleged GPA was executed by his late mother.

9. In these facts and circumstances and the background of the parties who are close family members as discussed above, this Court is of the opinion that it will serve ends of justice in case the present accused is directed to join investigation and cooperate with the Investigating Officer wherever she is called to join investigation, and in event of arrest, she be admitted to bail on furnishing a personal bond in sum of Rs. 50,000/- with one surety bond of the like amount to the satisfaction of IO/SHO concerned, subject to following terms and conditions:

- i. The applicant shall not leave the country without prior permission of the concerned Court;
- ii. The applicant will not indulge in any activity which will hamper the investigation, including any attempt to influence or threaten any witness or person acquainted with the facts of the case;
- iii. The applicant shall provide her mobile number(s) of the IO and keep it operational at all times.

10. Accordingly, the present application along with pending



applications stand disposed of.

11. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

SEPTEMBER 18, 2023/dk