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

+ **BAIL APPLN. 144/2023**

RAJ KUMAR

..... Petitioner

Through: Mr. Viraj R. Datar, Sr. Adv. with Mr. Rakesh Sehrawat, Mr. Saurav Joon and Mr. Srikant Singh, Advs.

versus

STATE

..... Respondent

Through: Mr. Mukesh Kumar, APP for State with SI Vijay Kukmar, DIU/Dwarka Distt. and SI Banwari Lal, PS Sec.-23, Dwarka.

Ms. Prashansa Sharma, Mr. Nikita Vir and Ms. Nikita Sharma, Advs. for Mr. Santosh Kumar Tripathi, S.C. (Civil) for GNCTD.

Mr. Vijay Kasana and Mr. Chirag Verma, Adv. for complainant.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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22.03.2024

1. Application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of anticipatory bail in FIR No. 0442/2022 under Sections 420/468/471 IPC registered at P.S.: Sector-23, Dwarka.

2. Learned counsel for the petitioner submits that the petitioner was allotted a plot under 20 Point Programme Scheme of the government in the year 1986 and is a direct allottee. The claim is stated to be based upon the LR-37 receipt issued by the competent authority. Reliance is further placed upon letter dated 20.01.2023 issued by Shri Rakesh Sharma, Block



Development Officer (SW) to the IO, wherein it is stated as under:

“Kindly refer to this office letter No. 1529 dated 29/12/2022 vide which information regarding 20 Point Programme plots of village Dhoolsiras was given.

In this regard, it is submitted that the record of LR 38 register of the village Dhoolsiras were examined and it has observed that the plot number is not mentioned in the LR 38 register only S.No. are mentioned (copy enclosed). Moreover, this office has also furnished a reply on the same matter on dated 27-07-2022 (copy enclosed) vide the copy of records were enclosed for ready reference.

A letter bearing number nil dated nil (copy enclosed) in which it was inadvertently mentioned that the plot number 64 is entered in the name of Sh. Bhimt Singh S/o Rati Ram whereas as per the LR 38 register record the plot number is not mentioned in the LR 38 register. Moreover, the said letter was never dispatched from this office and the contents of this letter may be considered for future references.”

3. Application is vehemently opposed by learned APP for the State assisted by learned counsel for the complainant. Learned counsel for the complainant submits that the complainant (Pankaj) in the present FIR claims ownership of the plot on basis of chain of documents, whereby the plot was originally allotted to one Bhim Singh. He submits that the present complainant Pankaj happens to be subsequent purchaser in the year 2022, and as per chain of documents, the plot passed from Bhim Singh (original allottee) to Raj Singh, followed by Satyawar and thereafter, the same was purchased by complainant.

Learned counsel for complainant also clarifies that the allotment is based upon the entry of the names in LR-38 followed with a payment receipt as per LR-37 in favour of Bhim Singh. It is urged that the claim of the



complainant is also based upon possession certificate dated 20.11.1986, which was issued in favour of Bhim Singh by Gram Panchayat and the possession of the plot is with the complainant. It is pointed out that the earlier FIR registered on behalf of petitioner was closed by the Investigating Agency and thereafter, the investigation in the present FIR has been taken up on the complaint filed by the complainant.

4. Admittedly, the petitioner has joined the investigation. The ownership of the disputed plot is to be determined on basis of the documents available in the office of Block Development Officer/concerned Revenue Department. At this stage, the letter dated 20.01.2023 issued by the Block Development Officer to the Investigating Officer also needs to be kept in consideration to appreciate the counter claims.

5. Considering the facts and circumstances, in the event of arrest, petitioner be admitted to bail on furnishing a personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) with one surety in the like amount to the satisfaction of IO/SHO, PS concerned and subject to his joining the investigation.

Application is accordingly disposed of. Pending applications, if any, stand also disposed of.

ANOOP KUMAR MENDIRATTA, J

MARCH 22, 2024/akc