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

+ **BAIL APPLN. 400/2024**

DAYA KISHAN

.....Petitioner

Through: Mr. Ranbir Singh Kundu
& Ms. Neha, Advocates.

versus

STATE

.....Respondent

Through: Mr. Ajay Vikram Singh,
APP for the State with
Insp. Lalit Kumar,
DIU/South.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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28.10.2024

CRL.M.A. 3478/2024 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The present application is filed seeking pre-arrest bail in FIR No. 483/2023 dated 16.09.2023, registered at Police Station Ambedkar Nagar for offences under Sections 447/420/467/468/120B of the Indian Penal Code, 1860 ('IPC').
4. By order dated 05.02.2024, the State was directed not to arrest the applicant, subject to the applicant joining the investigation. The property dispute led to registration of multiple FIRs and multiple bail applications. It is pointed out that all the parties were related to each other and on the request of the parties, the matter was referred to the Delhi High Court Mediation and Conciliation Centre.
5. During the course of mediation, some of the parties settled their disputes. Undisputedly some of the parties in FIR No. 482/2023 settled their disputes and the bail applications filed by



the accused Rajbir, Bhawna Veena & Hargyan Singh were allowed by this Court. The parties in the present case could not arrive at a settlement.

6. This Court by order dated 05.02.2024 noted that the FIR was registered pursuant to a complaint alleging that the co accused Ravinder Kumar is in possession of some portion of the property on the strength of the General Power of Attorney ('GPA') dated 17.09.1998 executed by the applicant in his favour which is allegedly owned by the complainant.

7. The applicant claims that Dr. Hargyan Singh had executed a GPA dated 20.01.1997 in favour of the applicant which specifically granted power to the applicant to sell the subject property. The applicant had thereafter allegedly sold the property to Ravinder Kumar through GPA dated 17.09.1998.

8. The complainant claims that the GPA is forged and he did not execute the same in favour of the applicant. The parties undisputedly are related to each other and have been litigating in regard to the subject property.

9. The claim of the parties in regard to the ownership of the subject property would be tested during the course of trial. However, it cannot be denied that the parties are related to each other and have been litigating over the properties. The applicant, by order dated 31.01.2024, was granted protection, subject to him joining and cooperating with the investigation. It is undisputed that the applicant had, pursuant thereto, joined the investigation. The evidence, at this stage, seems to be documentary in nature. The parties were also trying to reach an amicable settlement and were referred to the Delhi High Court Mediation and Conciliation Centre.

10. Considering the totality of circumstances, I am of the view



that the custodial investigation of the applicant is not required. It is directed that in the event of arrest, the applicant be released on bail on furnishing a personal bond of ₹25,000/- with one surety of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The applicant shall join and cooperate with the investigation as and when directed by the IO;
- b. The applicant will not leave the country without the permission of the learned Trial Court;
- c. The applicant shall not contact the complainant / witnesses or tamper with the evidence in any manner;
- d. The applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phones switched on at all times;
- e. The applicant shall provide the address of his residence to the IO/SHO and shall not change the same without informing the concerned IO/SHO.

11. In the event of there being any violation of the stipulated conditions, it would be open to the State to seek redressal by filing an application seeking cancellation of the bail.

12. It is clarified that the observations made in the present order are for the purpose of deciding the present pre-arrest bail application, and should not influence the outcome of the Trial and should not be taken, as an expression of opinion, on the merits of the case.

13. The bail application is allowed in the aforesaid terms.

AMIT MAHAJAN, J

OCTOBER 28, 2024

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