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

+ **BAIL APPLN. 437/2024**

KRISHAN @ SUKHA

..... Petitioner

Through: **Mr. Vipin Sehrawat and Mr. Manoj
Godara, Advocates**

versus

STATE (N.C.T. OF DELHI) & ANR.

..... Respondents

Through: **Mr. Manoj Pant, APP for the State.**

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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06.02.2024

CRL.M.A. 3743-44/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

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3. The instant application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of applicant seeking grant of anticipatory bail in case FIR bearing no. 239/2023, registered at Police Station Chhawla, South-West, Delhi for the offences punishable under Sections 420/34 of the Indian Penal Code, 1860 ('IPC').
4. Issue notice. Mr. Manoj Pant, learned APP accepts notice on behalf of State.
5. Briefly stated, the present FIR was registered on the complaint lodged



by one Sh. Ved Prakash, who had alleged that he had purchased a 50-yard plot from the present accused/applicant for a consideration of Rs. 15 lakhs in cash, through one property dealer Ramkeshar Singh Rawat, who had introduced the complainant to the accused. It is alleged that the complainant had demanded the chain of property documents, and the accused persons had handed over photocopies of these documents, but despite repeated requests, the original documents had not been provided to the complainant. Thereafter, the complainant had continued to carry out construction on the plot, and on 20.05.2022, 4-5 unknown persons had started quarreling with the complainant and had also abused him. The present applicant had also reached the spot, and had demanded a sum of Rs. 2 lakhs from the complainant for constructing the house, which the complainant had refused to pay. Due to this incident, the construction work had stopped and on the same, the complainant had received several calls from unknown numbers and he was threatened with dire consequences and threats were also extended to abduct his son, in case he did not vacate the property in question. It is stated that after making a complaint about the incident to the police, the complainant had again started working on the plot, however, on 30.05.2022, 20-30 unknown persons had started beating the complainant. At the same time, some of these persons had told the complainant that the plot in question belonged to them, but the complainant had informed that he had purchased the plot from present applicant for a sum of Rs. 15 lakhs. Thereafter, PCR had arrived at the spot and both the parties were taken to police station and two different set of property papers were presented before the police. It is alleged that applicant herein had also demanded Rs. 1 lac from the complainant to get his work done from the police. Eventually, as



alleged, the complainant had told the applicant that some people were claiming that the property belonged to them, and the applicant should either resolve the dispute or return the complainant's money. However, the applicant did not do so. It is alleged that the complainant had then come to know that the accused persons are in habit of taking possession of lands and selling them to different persons for money, and they have looted several people in the similar manner. On these allegations, the present FIR was registered.

6. Learned counsel for the applicant argues that the applicant has been falsely implicated in the present case and there is no evidence or statement of any witness to link the present applicant to the alleged offence. It is stated that applicant was the original owner of the property in question and has sold the same to the complainant and possession of the said plot is still with the complainant and the said FIR does not establish the involvement of applicant in any illegal activities. It is stated that applicant is ready to join investigation. Therefore, it is prayed that applicant be granted anticipatory bail.

7. *Per contra*, learned APP for the State argues that present accused/applicant had only joined investigation on one occasion and had thereafter never joined investigation despite service of notice under Section 41A of Cr.P.C. It is further argued that the present accused/applicant is extending threats to the witnesses, and the learned Sessions Judge has rightly dismissed the anticipatory bail application of the applicant/accused. Therefore, the learned APP for the State prays that the application for the grant of anticipatory bail be rejected considering the allegations against the applicant and the conduct of applicant.



8. This Court has heard arguments addressed by learned counsel for applicant as well as learned APP for the State and has perused the material available on record.

9. It is the case of complainant that he had bought a plot for a sum of Rs. 15 lakhs from the accused/applicant, however, he was beaten and abused repeatedly by some other persons who were claiming to be the owners of the plot in question. It is alleged that the applicant had neither tried to resolved the dispute, nor had returned the money of the complainant. As noted in the impugned order, it was contended on behalf of complainant that the applicant had told him the plot, on the strength of false and fabricated documents prepared by him.

10. This Court notes that though the applicant had once joined investigation, he did not join the same thereafter, and notices under Section 41A of Cr.P.C. were also issued to him, which he did not comply with. The applicant has not been cooperating in the investigation. It is further noted that there are allegations that the applicant has been extending threats to witnesses and the complainant in the present case to furnish false evidence, due to which, Section 195 of IPC has also been invoked against the applicant.

11. Considering the aforesaid facts and circumstances, this Court is of the opinion that custodial interrogation of the applicant may be required to unearth the entire conspiracy, and considering the allegations against the applicant and his conduct, this Court is not inclined to grant anticipatory bail to the present accused/applicant.

12. Accordingly, the present bail application stands dismissed.

13. It is, however, clarified that nothing expressed herein above shall



tantamount to an expression of opinion on merits of the case.

14. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

FEBRUARY 6, 2024/zp

Click here to check corrigendum, if any