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

\+ BAIL APPLN. 1033/2024

NAVEEN KUMAR SINGHAL ..... Petitioner

Through: Dr. Manoj Kr Gahlaut, Advocate

versus

THE STATE DELHI ..... Respondent

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

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

O R D E R

% **21.03.2024**

CRL.M.A. 9060/2024 (exemption)

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

BAIL APPLN. 1033/2024

3. The present bail application has been filed under Section 438 of the Code of Criminal Procedure (*'Cr.P.C.'*) by the applicant seeking grant of anticipatory bail in case FIR No. 473/2015, registered at Police Station Najafgarh, Delhi under Sections 420/467/468/471 of the Indian Penal Code, 1860 (*'IPC'*).

4. Briefly stated, the case of prosecution is that the Chief Manager, PNB Bank, Najafgarh had lodged the present complaint thereby alleging that M/s. Omiga International through its proprietor had approached and requested the Bank for cash credit limit and initially a limit of Rs.49 lakhs was sanctioned by the Bank, which thereafter was enhanced to Rs.1.49 crores on 10.01.2013

with additional collateral of flat at Narela bearing flat number 90, First floor, Pocket-13, Sector A-5, Narela, Delhi. It was stated that initially, the working capital limit was sanctioned on 06.03.2012 and an account was opened for the said purpose and all KYC norms were duly followed for doing the needful. It is alleged that the present applicant had submitted false and fabricated documents of the aforesaid property which, in fact, was in some other person's name and the applicant had impersonated the name of the original owner and had mortgaged the property with the Bank which never actually belonged to him. It was alleged that the applicant had committed not only cheating but forgery of documents *qua* the bank and had caused a loss of more than Rs.1.57 crores to the Bank. It was alleged that the limit was granted by the Bank, however, the account was declared as a Non-Performing Asset on 30.09.2014. On these allegations, the present FIR was registered on 09.06.2015.

5. Learned counsel for the accused/applicant argues that the applicant has been falsely implicated in the present case and he had joined the investigation twice in the year 2022 but no arrest was made by the concerned I.O. and after nine years, the I.O. moved an application before the learned Trial Court for seeking Non-Bailable Warrants ('NBW') against the applicant and now proceedings under Section 82 of Cr.P.C are going on against the applicant before the concerned Magistrate. It is stated that earlier, this Court had dismissed the anticipatory bail application of the applicant *vide* order dated 04.05.2023, however, the applicant had again moved an application seeking anticipatory bail before the Session Court but the same was dismissed as withdrawn *vide* order dated 05.03.2024. It is further stated that the applicant had met with an accident on 13.03.2024 and his left

shoulder and ribs had got fractured and he has been advised bed rest for 60 days. It is further submitted that applicant has already deposited an amount of Rs. 12 lakhs in favour of PNB Bank. Therefore, it is prayed that he be granted anticipatory bail.

6. On the other hand, learned counsel appearing on behalf of the State argues that this Court had dismissed the anticipatory bail application of the applicant *vide* detailed order dated 04.05.2023, and the applicant thereafter had not joined investigation. It is also stated that proceedings under Section 82 of Cr.P.C. have already been initiated against the applicant. It is further submitted that the allegations against the present applicant are that he had forged the documents in relation to a property which he had allegedly mortgaged with the Bank for seeking enhancement of the cash credit limit, and thereafter, the account had turned NPA. Thus, it is prayed that the present application be rejected.

7. This Court has heard the arguments addressed by both the parties and has perused the material placed on record.

8. In the present FIR, this Court had, vide order dated 04.05.2023, dismissed the application filed by the applicant seeking pre-arrest bail and some of the relevant observations of the order dated 04.05.2023 are extracted hereunder for reference:

> "9. In the present case, the record reveals that the applicant had approached the complainant bank for obtaining loan of Rs.49 lakhs, and after having obtained the same, he had sought enhancement of cash credit limit to Rs.1.49 crores against the additional collateral of a flat in Narela, which was allowed. **However, as per the case of prosecution, the account of the applicant had turned NPA**, **and upon**

> **verification, it was found that the aforesaid flat was not owned by the present applicant**. As per the status report filed before the learned Trial Court, it was **found during investigation that the flat in question was originally allotted to one Sh. Abhay Sood by DDA.** Upon further verifying the records, **several contradictions were found in the documents pertaining to the property and the documents allegedly reflecting transfer of flat from Sh. Abhay Sood to present applicant were found forged and fabricated**. It was also stated that **Sh. Abhay Sood, upon joining investigation, had informed the IO that he had never sold the property in question**."

9. The I.O. has informed his Court that the applicant had not joined investigation after this Court had dismissed the bail application of the applicant about 10 months back. This Court further notes that upon the applicant's failure to join investigation, NBWs against him were also obtained. However, he could not be arrested and thereafter proceedings under Section 82 of Cr.P.C. were initiated and executed against the present applicant. The case is now listed before the learned Trial Court for recording of statement of process server, who has executed process under Section 82 of Cr.P.C.

10. In these circumstances and having regard to the fact that since the applicant has failed to join investigation as is reflected from the record as well as submissions made before this Court, and considering the seriousness of the allegations against the applicant, this Court is not inclined to grant anticipatory bail to the accused/applicant herein.

11. Accordingly, the application for grant of anticipatory bail is dismissed.

12. Nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

13. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 21, 2024/hs

Click here to check corrigendum, if any