



\$~3

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1216/2024**

SH. MOHINDER KUMAR SACHDEVA Petitioner

Through: Ms. Sima Gulati and Mr.Sahil M.,
Advocates

versus

STATE Respondent

Through: Mr. Aashneet Singh, APP for State with
Insp. Rajesh Kumar and SI Deepak

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

20.05.2024

1. By way of present application filed under Section 438 read with Section 482 Cr.P.C, the petitioner/applicant seeks anticipatory bail in FIR No.551/2023 registered under Sections 420/467/468/471/474/120B/34 IPC at P.S. Shahbad Dairy, Delhi.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. It is stated that the name of the applicant did not appear in the FIR and that insofar as the present applicant is concerned, the only role attributed to him is of being the SPA holder of *Sanjeev Nirajog* and *Rakesh Batra*, who carried out the mutation. It is further submitted that the applicant has neither known nor met any of the accused persons or the complainant in the subject FIR. Lastly, it is submitted that after grant of interim protection, the applicant has joined the proceedings on multiple occasions.
3. Learned APP for the State has opposed the bail application. He submits that custodial interrogation of the applicant is required. It is further submitted that the applicant has another prior involvement being FIR



No.24/2003 registered under Sections 420/467/468/471/120B/34 IPC at Police Station Moti Nagar.

4. At this stage, learned counsel for the applicant submits that the aforesaid FIR was quashed vide order dated 30.01.2008 passed in CRL. M.C. 3847/2007.

5. The present matter relates to cheating, forgery and fraud committed against the complainant. In the FIR, the complainant has alleged that in 1992, while looking to buy suitable property for investment, he came into contact with one Arun Kumar Singla and Suresh Kumar Goel. The latter showed him certain property, out of which 3 bighas 15 biswas were owned by Sanjeev Nirajog and Rakesh Batra ('owners'), who had executed a GPA in his favour. It was further stated that only 1 bigha 7 biswas was left of the said land and subsequently, the complainant purchased the said portion. However, later on, upon checking the khatauni of the said land, the complainant found out that his name was not mentioned against the same land. Upon further inquiry, he found out that owners had ownership of only 2 bighas 15 biswas and further that the same had been already sold. However, it must be noted that the name of the applicant did not figure in the said FIR at all.

6. Keeping in view the aforesaid facts and circumstances, the interim protection granted to the applicant vide order dated 08.04.2024 is made absolute and it is directed that in the event of arrest, the applicant be released on bail subject to his furnishing a personal bond in the sum of ₹ 25,000/- with one surety of like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station and also subject to the following further conditions:-



- (i) At the time of furnishing bail bond, the applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.
 - (ii) The applicant shall join the investigation as and when asked.
 - (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.
 - (iv) In case of change of residential addresses/contact details, the applicant shall promptly inform the same to the concerned Investigating Officer/SHO.
 - (v) The applicant shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
 - (vi) The applicant shall regularly appear before the trial Court.
7. The application is disposed of in the above terms.

MANOJ KUMAR OHRI, J

MAY 20, 2024/na