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

+ **BAIL APPLN. 1301/2024 & CRL.M.A. 11357/2024**

KAMALJEET SINGH

..... Petitioner

Through: Mr. P.K. Dixit, Ms. Tulika Dixit and
Mr. Rama Nath Pathak, Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Ritesh Kumar Bahri, APP for the
State and Mr. Lalit Luthra, Advocate
with SI Manish, P.S. Kirti Nagar.
Mr. Vishal Khattar, Ms. Shambhavi
Gaur and Ms. Vandana Kapoor,
Advocates for Complainant.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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14.05.2024

1. The present application has been filed seeking anticipatory bail in connection with FIR no.139/2024, under Sections 420/468/471/120B of IPC, registered at Police Station Kirti Nagar West, Delhi.
2. The case of the prosecution is that the present complainant along with his wife and son had approached Hinduja Housing Finance Limited for a loan of Rs. 75,00,000/-. On their request, a loan against property to the extent of Rs. 75,00,000/- was sanctioned and 2nd and 3rd Floor of the property bearing no. F-213, A/2, Mansarovar Garden, New Delhi was mortgaged by the present petitioner.
3. It is also the case of the prosecution that the entire property in question was already mortgaged by Kamaljeet Singh and his late brother Ravinder Singh when they had availed a loan to the extent of Rs. 2.5Cr. from Karvy Financial Services Limited.
4. The learned counsel for petitioner submits that no mortgage was ever



created by the present petitioner in favour of Hinduja Housing Finance Limited which position is disputed by the learned counsel for the complainant.

5. A status report has also been placed on record by the State. Perusal of the status report shows that against the sanction of loan of Rs. 75,00,000/- an amount of Rs. 70,16,250/- was disbursed in the account of Saggu Infrastructure which is a proprietorship concerned of Manmeet Singh, S/o Kamaljeet Singh (petitioner herein). It is also mentioned in the status report that from the said amount disbursed in the account of Saggu Infrastructure an amount of Rs. 19,50,000/- has been transferred to the account of Kamaljeet Singh from Saggu and further amount of Rs. 17,10,000/- has been withdrawn by Manmeet Singh and an amount of Rs. 20,00,000/- has been transferred to the account of wife of Kamaljeet Singh.

6. It also appears from the status report that out of the amount of Rs. 19,50,000/- received by Kamaljeet Singh, an amount of Rs. 13,98,716/- has been transferred into the account of Karvy Financial Services Limited, from whom the first loan of Rs. 2.5Cr. was raised by the petitioner along with his brother.

7. It is also the case of the prosecution against the petitioner that property bearing no.F-213, A/2, Mansarovar Garden, New Delhi was originally owned by one Mohan Singh, who during his lifetime had executed a registered sale deed dated 06.06.1996 in favor of the present petitioner and his brother Ravinder Singh. Ravinder Singh died intestate and was survived by his wife Mrs. Tajinder Kaur and three children, namely, Satinder Singh(son), Navpreet Singh(son) and Manpreet Kaur (daughter). It is also the case of the prosecution that Navpreet Singh one of the son of Late



Ravinder Singh executed a relinquishment deed in favor of his mother, namely Tajinder Kaur, wherein it has been incorrectly recorded that Navpreet Singh as well as Tajinder Kuar are owner of 50 per cent property of the property being the only legal heirs of Late Ravinder Singh. This relinquishment deed is undisputedly witnessed by the present petitioner. Subsequently, this relinquishment deed has also been used to execute a partition deed on the basis of which two further loans have been raised.

8. It appears that the petitioner has obtained two loans with regard to the same property by executing the false documents to defraud the complainant. It is the case of the prosecution that the present petitioner has not joined the investigation. Needless to say that the custodial interrogation of the petitioner is required to unearth the entire controversy and to trace the trail of loan amount.

9. It is also pointed out by APP on instructions from the IO that NBW was issued and subsequently, the proceedings under Section 82 of Cr.P.C. have already been initiated.

10. The status report also reveals that the petitioner is also involved in two similar cases which have been registered against him vide FIR no.140/2024 as well as 198/2024 under the same sections and at the same Police Station, as the present FIR.

11. In view of the above, no ground for anticipatory bail is made out. Accordingly, the present application is disposed of.

VIKAS MAHAJAN, J

MAY 14, 2024/MR