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

+ **BAIL APPLN. 1837/2023**

RAVINDER SINGH

..... Applicant

Through: Mr. Manoj Godara, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Utkarsh, APP for the
State

Inspector Akhilesh Bajpai,
PS Dabri

Mr. Nirmal Kumar
Ambastha & Mr. Mukul
Kumar Sanwariya, Adv.
for Complainant

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

15.01.2024

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1. The present application is filed under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973 ('CrPC') seeking pre-arrest bail in FIR No. 159/2023 dated 21.02.2023, for offences punishable under Sections 420/467/468/471/384/387 /120B/34 of the Indian Penal Code, 1860 ('IPC'), registered at Police Station Dabri.

2. It is alleged that on 07.01.2023, when the complainant visited his property at Rajapuri, he was shocked to see that the construction was going on, on his property and there were alterations in the shops that were already constructed, without his knowledge and his articles present in the property were also missing.

3. The complainant was informed by the neighbours that the said construction was being carried out at the behest of one



Dinesh Kumar, pursuant to which, the complainant reached out to Dinesh Kumar, who then threatened the complainant of dire consequences and told him to forget his properties.

4. It is further alleged that the complainant, on reaching another property at Najafgarh, met the applicant and his son – Neeraj Gupta, who told him that they had taken the property from Dinesh Kumar who is the owner of the said property, and Neeraj Gupta also threatened him and told him to forget about his properties and also told him that he had earlier been involved in a murder case and does not fear anyone.

5. The learned counsel for the applicant submits that no allegations have been levied against the applicant. He submits that the complainant, on reaching the property in dispute, alleged that the applicant and his son, Neeraj Gupta, were found to be in possession of property. It is alleged that Neeraj Gupta and the applicant told the complainant that they are the tenants in the property, and had taken the same on rent from one, Dinesh Kumar.

6. He submits that the applicant is 65 years of age, the document evidencing the tenancy and possession of his son, Neeraj Gupta, was placed on record before the learned Trial Court as well as this Court and has also been handed over to the Investigating Officer. He further submits that the allegation, if at all are levied, against his son – Neeraj Gupta, and the present applicant has not even been alleged to have entered into any agreement or to be in possession of the property in dispute. He submits that the chargesheet has already been filed in the present case.

7. He submits that, admittedly, the applicant has neither claimed the ownership nor possession of the property, and he is



only alleged to be present with his son on 17.01.2023. He submits that no liability can be fastened on the applicant.

8. This Court, by order dated 29.05.2023, had protected the applicant from being arrested, subject to him joining investigation. The petitioner is stated to have joined investigation since the said date.

9. Considering the fact that the applicant is 65 years of age and is not claiming the possession or any title over the subject property and the fact that the main accused is already in custody, this Court considers it a fit case for grant of bail. Since the investigation is complete and chargesheet has been filed, no purpose would be served by allowing the custodial interrogation of the applicant.

10. In view of the above, in the event of arrest, the applicant is directed to be released on bail on furnishing a personal bail bond for a sum of ₹50,000/- (Rupees Fifty Thousand Only) 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 Investigating Officer;
- b. The applicant shall not tamper with the evidence in any manner;
- c. The applicant under no circumstance shall contact the complainant or any of the witnesses;
- d. The applicant shall not leave the boundaries of the city without informing the concerned Investigating Officer;
- e. The applicant shall provide his mobile number to the Investigating Officer during the course of the day and keep his mobile phone on at all times.



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

12. In the event of there being any FIR/DD entry/ complaint lodged against the applicant, it would be open to the State to seek redressal by filing an appropriate application for cancellation of bail.

13. The present application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

JANUARY 15, 2024

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