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

+ **BAIL APPLN. 2056/2024**

MANISH KUMAR

.....Petitioner

Through: Mr. Arun Sharma and Mr. Sandeep
Tyagi, Advocates.

versus

THE STATE GOVT OF NCT OF DELHIRespondent

Through: Mr. Amit Ahalwat, APP for the State
with Inspector Deepak Purohit, P.S.
Maidan Garhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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04.07.2024

1. The First Petition under Section 438 Cr.PC has been filed on behalf of the petitioner for grant of anticipatory bail in Case FIR No. 281/2024 under Sections 420/467/468/471/120-B/34 IPC, registered at Police Station Maidan Garhi.
2. It is submitted in the application that the Suit has been filed by the petitioner for Specific Performance on the basis of documents. The petitioner is a *bona fide* purchaser of piece of land ad measuring 100 square yards from his maternal uncle, Sh. Surender Kumar *vide* Agreement to Sell/General Power of Attorney (GPA) etc. dated 04.01.2024, for a valuable consideration of Rs.35,00,000/-, and the possession of the plot was taken by the petitioner, consequent thereto. The petitioner has also got an electricity



connection installed in his name.

3. It is further submitted that one police official, Mr. Pankaj Rajoria, visited the plot on 06.01.2024, who asked the petitioner, to come to the Police Station. He was interested in the Suit property and therefore, he threatened him to transfer the plot in his name. When the petitioner refused to do so, he got him involved in this false case. The DD Entry had been lodged on 31.12.2023 against him but he continued to threaten the petitioner with arrest. A complaint to this effect was made by the petitioner to the DCP, South District on 16.01.2024.

4. Thereafter, he filed an application on 17.01.2024, for grant of anticipatory bail before the learned ASJ, who granted him protection and directed him to join the investigations, which he did on various occasions. He also filed a **Civil Suit bearing No. 174/2024** against one Ms. Meenakshi and ASI Pankaj Rajoria, which is pending in the Court of learned ACJ, South District and is now fixed on 19.07.2024.

5. The Bail application has been disposed of by the learned ASJ on 08.04.2024, with direction to the I.O. to comply with the guidelines laid down by the Apex Court in the Case of *Arnesh Kumar vs. State of Bihar and Satender Kumar Antil vs. CBI*. It is claimed that the entire case has been fabricated against the petitioner, by the previous IO.

6. The petitioner has sought bail on the ground that he is a law-abiding citizen and is a permanent resident of Delhi. He has clean antecedent and the Suit property had been purchased by him for a valuable consideration and he has the complete chain of documents. On three occasions, he has been threatened in the Police Station with arrest if he did not hand over the possession to the ASI Pankaj Rajoria, for which a complaint has been made.



It is, therefore, submitted that the Anticipatory bail may be granted.

7. **Status Report** has been filed on behalf of the State wherein it has been recorded that the chain of documents have been verified and it is found that the property has been originally owned by Mr. Rijak Ram, from whom it was sold to Mr. Rakesh Gupta and thereafter, the chain of documents are in the name of Ms. Madhumati and Mr. Amar Singh. Significantly there are no parentage or addresses of Ms. Madhumati and Mr. Amar Singh specified in their chain of documents. Apparently, they are non-existing persons. Mr. Surender Singh, who is the maternal uncle of the petitioner, had produced the chain of documents which on preliminary enquiry, have been found to be fabricated. The Notary Public has been examined, who has denied having notarised the requisite documents. The son of the second Notary Public has also been examined since the Notary Public has died and he also has denied that the documents being notarised by his father.

8. It is submitted that the investigations are at the preliminary stage. It is, therefore, submitted that the enquiry is at the initial stage against the applicant and his maternal uncle, Mr. Surender Kumar, who apparently forged these documents. The custodial interrogation of the petitioner, is required to discern the entire conspiracy and also to recover one set of original documents pertaining to Ms. Madhumati and also to establish the chain of creation of these forged documents. The attesting witnesses of the chain of the documents are also not traceable.

9. Learned APP on behalf of the State has also submitted that falsity of the chain of documents, is also borne out from the fact that the alleged Rs.10,00,000/- as part consideration, has been transferred to the account of Mr. Surender Kumar, after the registration of the FIR and the PDC cheques



which have now been produced, are from June, 2024 onwards. The anticipatory Bail is thus, opposed.

10. Submissions heard.

11. It has been conceded by the learned APP for the State that before the registration of the FIR, the petitioner had joined the investigations though he was not co-operative. After the registration of FIR, the uncle of the petitioner has produced all the documents in original to the IO., though, one set of original documents executed between Mr. Rakesh Kumar and Ms. Madhumati, are yet to be traced. Essentially, the investigations are based on documents' production and their verification, which do not justify at this stage, any custodial interrogation. The requisite documents have already been collected by the Police except one set.

12. Considering the totality of circumstances, it is directed that in the event of his arrest, the petitioner shall be released, with the following conditions:-

- a) The petitioner shall furnish a personal bond in the sum of Rs.35,000/- with one surety of the like amount to the satisfaction of the Investigating Officer/Arresting Officer.
- b) The petitioner shall not contact nor visit nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case.
- c) The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.
- d) The applicant shall join the investigations as and when directed by the IO.



e) The applicant shall co-operate and produce all the requisite information, documents in his power and possession, as and when directed by the Investigating Officer.

13. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 4, 2024/RS