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

+ **BAIL APPLN. 2109/2024 & CRL.M.(BAIL) 1025/2024**

DARSHNA DEVI

.....Petitioner

Through: Mr. Abhay Gahlot, Mr. Ayush Singh
Sahni, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for
the State.
SI Ajay Kumar, PS SB Dairy

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

04.09.2024

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1. Petitioner has approached this Court seeking bail in FIR No.225/2022, dated 26.03.2022, registered at Police Station Shahbad Dairy, for offences under Sections 420/448/467/468/471/120-B IPC.

2. Facts, in brief, leading to the present Petition are that the present FIR was registered on the complaint of one Bhupender S/o Balwant Singh Rana, who stated that he is the owner of a piece of land situated at Khasra No.279, Village Shahbad Daulat Pur, Delhi. In the complaint it was stated that forged documents have been prepared for the said property and the property has been sold to one Kuldeep Sharma. After registration of the FIR, investigation was conducted. During the course of investigation, it was revealed that the chain of documents through which the Petitioner herein purchased the property in question from one KC Jain is forged. During the course of investigation it was also revealed that KC Jain allegedly purchased



the property in question from the father of the Complainant and sold it to the Petitioner herein, who, in turn sold the property in question to Kuldeep Sharma. The investigation also revealed that Neeraj Kumar, who is the son-in-law of the Petitioner herein, prepared all the forged documents and executed a GPA in favour of Kuldeep Sharma. After conclusion of investigation, charge-sheet has been filed.

3. It is stated that both the co-accused, Kuldeep Sharma and Neeraj Kumar, has been granted bail.

4. Learned Counsel for the Petitioner contends that the Petitioner is over 60 years of age. He states that the charge-sheet has been filed and primarily the evidence is documentary in nature and is already in the custody of the Police. He further states that the Petitioner is not in a position to influence the Complainant and, therefore, no useful purpose would be served in keeping the Petitioner in custody. He, therefore, states that bail be granted to the Petitioner.

5. *Per contra*, learned APP for the State, opposes the present bail application by contending that the Petitioner had abused the interim bail granted to her by not surrendering on the expiry of the interim bail and Non-bailable warrants had to be issued against the Petitioner and proceedings under Section 82 of the CrPC were initiated against the Petitioner and she was re-arrested from her residence on 06.05.2024. He, therefore, states that there are chances of the Petitioner fleeing from justice and, therefore, bail ought not to be given to the Petitioner.

6. Heard the Counsel for the Petitioner and the learned APP for the State and perused the material on record.

7. The case of the Petitioner is that the Petitioner has executed a sale



deed through Power of Attorney in favour of Kuldeep Sharma. There is no allegation that the Petitioner has herself prepared the sale deeds. In fact, it transpires from the material on record before this Court that the Petitioner signed the documents at the instance of her son-in-law – Neeraj Kumar. There is nothing on record to show that the Petitioner received any sale consideration for the purported sale of the property in question to Kuldeep Sharma or that the Petitioner has paid any money to KC Jain, from whom she has purchased the property in question. It is not in dispute that the co-accused, Kuldeep Sharma and KC Jain have been granted bail. No doubt, the Petitioner has abused the interim bail granted to her, but looking at the fact that the Petitioner is 60 years old and has not fled from justice as she stayed at her residence and this fact was known to everyone, this Court is inclined to grant bail to the Petitioner on the following conditions:

- i. The Petitioner shall furnish a security for the sum of Rs.2,00,000/- with two sureties of the like amount to the satisfaction of the Trial Court/Magistrate/Duty Magistrate.
- ii. The Petitioner is directed to reside at 83, Shiv Mandir, Kanjhawala, North West Delhi. The Petitioner is directed not to change the address without informing the Investigating Officer.
- iii. The Petitioner is directed to provide all the mobile numbers to the I.O. and keep them operational at all times.
- iv. The Petitioner shall not leave the NCT of Delhi without the permission of the Trial Court.
- v. Petitioner shall report to the concerned Police Station thrice a week, i.e., every Monday, Wednesday and Friday at 10:00 AM and shall be released by 11:00 AM after completing all the



- formalities.
- vi. The Petitioner is directed not to tamper with the evidence.
 - vii. The Petitioner is directed not to contact the Complainant or any of his family members.
 - viii. The Petitioner is directed to appear before the Trial Court on all dates of hearings without fail.
 - ix. Violation of any of the aforesaid conditions shall lead to cancellation of bail granted to the Petitioner by this Court.
8. With these observations, the bail application is disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

SEPTEMBER 4, 2024

Rahul