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IN THE HIGH COURT OF DELHI AT NEW DELHI
BAIL APPLN. 3114/2023

JAI BHAGWAN GOEL Petitioner
Through: Mr. Arvind Vashishtha,
Adv.

versus

STATE THROUGH SHO PS EOW Respondent
Through: Mr. Utkarsh, APP for the
State
Inspector Suresh Kumar,
PS- EOW

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
% **30.01.2024**

1. The present application is filed under Section 438 of the Code of Criminal Procedure, 1973 ('CrPC') seeking grant of pre-arrest bail in FIR No. 163/2022 dated 22.10.2022, for offences punishable under Sections 406/419/420/467/468/471/120B of the Indian Penal Code, 1860 ('IPC'), registered at Police Station Economic Offences Wing.
2. The FIR was registered on a complaint filed by one, Mr. Ram Niwas Jain, on behalf of his daughter, Ms. Megha Jain, alleging that one Ms. Ravita Dahiya, has fraudulently sold the property belonging to Ms. Megha Jain, being House No. 103, Pocket 4A, Sector 23, Rohini, Delhi-110085 (hereafter '**the property**') to one Mr. Vijay Kumar Gupta.
3. It is alleged that the property belonging to Ms. Megha Jain, was sold by Ms. Ravita Dahiya to Mr. Vijay Kumar Gupta (both are also accused in the present FIR), by a registered sale deed



dated 21.02.2019.

4. It is alleged that Ms. Ravita Dahiya impersonated as Ms. Megha Jain and got the sale deed registered in favour of Mr. Vijay Kumar Gupta who also got a loan sanctioned from ICICI Housing Finance Limited in respect of the said property.

5. Mr. Vijay Kumar Gupta and Ms. Ravita Dahiya, were arrested during the course of investigation. It is pointed out that the chargesheet has already been filed and Ms. Ravita Dahiya has been granted bail by the learned Trial Court, by order dated 03.07.2023.

6. In so far as the present applicant is concerned, it is alleged that he had accompanied Ms. Ravita Dahiya to the bank, and that, certain amounts have been received by the applicant in his bank account.

7. However, on a specific query from the Court, the Investigating Officer has not been able to point out the allegations against the present applicant. It is not alleged that the applicant was involved in creation of forged documents or, in any manner, committing the offence under Sections 406, 419, 420 of the IPC. Even though it is alleged that the applicant was the part of the syndicate, however, the same, at this stage, is only a vague allegation.

8. It is not disputed that the applicant, after being protected by this Court, by order dated 05.10.2023, has joined investigation.

9. In the opinion of this Court, custodial interrogation of the applicant is not required, especially when the accused Vijay Gupta who is alleged to be the beneficiary even as per the prosecution, is already behind bars and the accused who is alleged to have sold the property by impersonating, has been



granted bail. The chargesheet has already been filed. Therefore, any further investigation, in my opinion, does not warrant custodial interrogation of the applicant.

10. Considering the aforesaid facts, this Court feels it apposite to allow the present bail application. 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 to the satisfaction of the concerned SHO, subject to the following conditions:

- a. The applicant shall join and cooperate with further 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 country without taking permission from the learned Trial Court;
- e. The applicant shall provide his mobile number to the Investigating Officer during the course of the day and keep his mobile phone switched on at all times.

11. In the event of there being any FIR/DD entry/ complaint lodged against the present applicant, it would be open for the State, to seek redressal by way of cancellation of bail.

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



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

AMIT MAHAJAN, J

JANUARY 30, 2024

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