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

+ **BAIL APPLN. 2449/2024**

YASHPAL GOEL

.....Petitioner

Through: Mr. Ankit Sinsiwar with Mr. Ravi
Kant Gautam, Mr. Dhananjay Kumar,
Ms. Ratna Haldar, Ms. Priyanka
Ahlawat and Ms. Priya, Advocates.

versus

STATE GNCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State
with IO/SI Sunil, P.S.: Adarsh Nagar.
Ms. Jyoti Bajaj, Advocate for the
complainant alongwith the
complainant.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

16.07.2024

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CRL.M.A. 20569/2024

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

BAIL APPLN. 2449/2024

By way of the present petition filed under section 438 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioner seeks anticipatory bail in case FIR No. 257/2024 dated 04.05.2024 registered under sections 420/34 of the Indian Penal Code, 1860 at P.S.: Adarsh Nagar, Delhi.

2. Though the present petition has been filed under the provisions of the Cr.P.C., in the opinion of this court, on a plain reading of section 531(2)(a) of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'),



proceedings are to be “... ..disposed of, continued, held or made... ..” in accordance with the Cr.P.C. *only* in cases where ***such proceedings***, viz. “... ..any appeal, application, trial, inquiry or investigation... ..”, was ***pending*** immediately before the date on which the BNSS came into force, *i.e.* 01.07.2024.

3. Since the present petition has been filed after 01.07.2024, in the opinion of this court, the present petition ought to have been filed under the BNSS. Be that as it may, in order to obviate any unnecessary delay, the present petition is treated as one under section 482 read with 528 of the BNSS.
4. The present petitioner is the husband of the petitioner in BAIL APPLN. No. 2448/2024, in which case his wife Shashi Goel, has been granted anticipatory bail today *i.e.* 16.07.2024.
5. It is submitted that the record of the matter would show that the petitioner was neither the purchaser under Sale Deed dated 11.09.2019 nor was he the seller under Sale Deed dated 09.12.2022. The record would further show that the petitioner was only one of the attesting witnesses to Rectification Deed dated 04.01.2021 and an attesting witness to Sale Deed dated 09.12.2022 (that was presented for registration on 14.12.2022).
6. Based on the foregoing position, learned counsel for the petitioner submits that the petitioner is also entitled to anticipatory bail in the matter.
7. Issue notice.
8. Mr. Manoj Pant, learned APP appears on behalf of the State on advance copy; accepts notice; and in view of the order made in favour



of the petitioner's wife in BAIL APPLN. No. 2448/2024, leaves it to the court to pass appropriate orders.

9. Ms. Jyoti Bajaj, learned counsel representing the complainant is also present alongwith the complainant on advance copy; and accepts notice.
10. Considering the circumstances of the case, especially in view of the fact that the petitioner has been named as an accused in the FIR only in his capacity as an attesting witness to the aforesaid documents, apart from being a husband of co-accused Shashi Goel, the petition is allowed. It is accordingly directed that in the event of his arrest, the petitioner shall be admitted to bail by the Investigating Officer/Arresting Officer subject to the following conditions:
 - 10.1. The petitioner shall furnish a personal bond in the sum of Rs.50,000/- (Rs. Fifty Thousand Only) with 01 surety in the like amount from a family member, to the satisfaction of the Investigating Officer/Arresting Officer;
 - 10.2. The petitioner shall furnish to the Investigating Officer a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
 - 10.3. If the petitioner has a passport, he shall surrender the same to the Investigating Officer and shall not travel out of the country without prior permission of the learned trial court;
 - 10.4. 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. 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.

11. The petition stands disposed-of.
12. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JULY 16, 2024
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