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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2587/2024**
GOVIND SINGH YADAVPetitioner

Through: Mr. Himanshu Upadhyaya and Ms.
Ruby Sharma, Advocates.

versus

STATE NCT OF DELHIRespondent

Through: Ms. Shubhi Gupta, APP for the State
with SI B. K. Bharti, P.S.: Najafgarh.
Mr. R. K. Sharma with Mr. Abhishek
Sharma and Ms. Divya Sharma,
Advocates for the complainant.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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14.08.2024

CRL.M.A. 21498/2024

Exemption allowed, subject to just exceptions.

The application stands disposed-of.

BAIL APPLN. 2587/2024

By way of the present petition filed under section 482 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks anticipatory bail in case FIR No.173/2022 dated 21.03.2022 registered under sections 420/467/468/471/448/34 of the Indian Penal Code, 1860 at P.S.: Najafgarh, Delhi.

2. *Vide* order dated 24.07.2024, this court had directed the petitioner to place on record the orders passed by the learned Sessions Court



dismissing 03 earlier anticipatory bail petitions. Those orders have now been placed on record.

3. The court has heard Mr. Himanshu Upadhyaya, learned counsel for the petitioner; Ms. Shubhi Gupta, learned APP for the State; and Mr. R.K. Sharma, learned counsel appearing on behalf of the complainant.
4. While Mr. Upadhyaya submits, that the petitioner is ready and willing to co-operate with the Investigating Officer; and that there was no basis for the learned Sessions Court to have dismissed his anticipatory bail petitions, Ms. Gupta has drawn attention to the various orders made by the learned Sessions Court which record the evasive manner in which the petitioner has approached the issue of producing certain documents that were required for purposes of the investigation.
5. A perusal of the above-said orders shows, that despite having committed both to the court and to the Investigating Officer that the petitioner would produce the original documents (except one Will dated 14.02.1995), the petitioner has evaded producing any of the documents not just before the Investigating Officer but also before the Sessions Court. This is evident *inter-alia* from order dated 28.05.2024 recorded by the learned Sessions Court in BM No.937/2024 and 938/2024.
6. Ms. Gupta submits, that in fact the FIR was registered in the case in compliance of order dated 14.03.2022 made on an application under section 156(3) of the Code of Criminal Procedure 1973 ('Cr.P.C.'), which records that the petitioner had impersonated a Government Official and had visited the house of the complainant, accompanied by a police constable, and had taken photographs of certain original



documents falsely purporting to act as a governmental official, and it is alleged that pursuant to that the petitioner forged title documents in relation to the property that is subject matter of the proceedings.

7. Mr. Gupta points-out, that initially the petitioner had avoided filing the orders of the learned Sessions Court in the present case, so that this court would not get to see how the learned Sessions Court had appreciated the position *vis-a-vis* the petitioner in those orders.
8. Mr. Sharma, learned counsel appearing for the complainant submits, that the complainant had first filed a suit bearing CS(OS) No.967/2020 seeking permanent and mandatory injunction against the petitioner (defendant in the suit) and thereafter was compelled to file an application under section 156(3) Cr.P.C. seeking registration of an FIR since the matter involved criminality.
9. On the other hand however, Mr. Upadhyaya has placed reliance on order dated 29.07.2024 made by this court in BAIL APPLN. No.2635/2024, whereby the petitioner's wife, who is also a co-accused in the matter, was granted interim protection in the case. Counsel seeks grant of similar relief to the petitioner on ground of parity.
10. Be that as it may, after carefully considering the role attributed to the petitioner as distinct from the role attributed to his wife, this court is of the view that the petitioner cannot claim parity with his wife; and cannot therefore seek any benefit based on the aforesaid order dated 29.07.2024.
11. In the circumstances, this court is not inclined to entertain the present petition seeking anticipatory bail, which is accordingly dismissed *in-limine*.



12. Pending applications, if any, stand disposed-of.

AUGUST 14, 2024
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ANUP JAIRAM BHAMBHANI, J