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

+ **BAIL APPLN. 2898/2024**

SANJAY

.....Petitioner

Through: Ms. Akansha Anand and Mr. Arjun
Wadhwa, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP for State
with SI Prem Giri, PS KNK Marg

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **15.10.2024**

1. This petition has been filed by the petitioner, seeking regular bail in relation to FIR No. 568/2022, P.S. K.N. Katju Marg, registered under Sections 420/427/448/451/468/471/506/120B of the Indian Penal Code, 1860 (“**IPC**”).
2. The case of the prosecution is based on the premises, bearing No. I-5/23, Sector 16 Rohini, Delhi. The said property was owned by the complainant, Mr. M.L. Bharti and he noted that some persons had trespassed in his property and started construction. Accordingly, the FIR was registered initially under Section 448/451/427/506 IPC. The person who was constructing, was co-accused Rajesh Lakra, who stated that one Sanjeev Mittal, had sanctioned the construction on the said property.
3. As per the submission made by the IO, Rajesh Lakra was arrested and was released on police bail. Sanjeev Mittal did not join the investigation,



thus, proceedings under Section 82 Cr.P.C have been initiated against him.

4. During investigation, the complainant produced the documents stating that the accused persons had got issued death certificates of him and his wife, and forged the property documents, to grab his property, and even prepared a relinquishment deed dated 21.2.2023 and filed a civil suit as well. The requisite documents were requisitioned from the MCD and the Sub-Registrar's offices. It was revealed that on 20.01.2023 and 25.01.2023, Vikas Narwal had submitted two applications on MCD portal for issuance of death certificate of complainant Mr. M.L. Bharti and his wife Nutan Bharti. It is submitted by APP for the State that the accused Sanjay and Vikas Narwal impersonated themselves to be sons of the complainant.

5. Subsequently, the relinquishment deed was registered, with the petitioner as the releasor and Vikas Narwal as the releasee.

6. The investigation is now complete and the charge sheet has been filed.

7. Counsel for the petitioner states that, the petitioner had been misled by Vikas Narwal, into signing as the releasor of the said property, while he had been called to the Registry to sign as a witness on the document.

8. She also contends, that the petitioner has been in custody for about 1 year now, and that the issues are documentary in nature.

9. The APP for State, during proceedings, has handed over a copy of status report. The same be placed by the APP on record.

10. Considering the contentions of the petitioner, as also the factum that the charge sheet has been filed, the investigation is complete, and the petitioner has been in custody for about a year now, no purpose would be served by continuing the incarceration of the petitioner.

11. In light of the above, and that the trial in the matter is likely to take



some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO concerned.
- v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
- vi. Petitioner will mark presence physically before the concerned I.O. on first Monday of every month at 4 p.m., and will be not kept waiting for more than an hour.
- vii. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or



any member of the complainant/victim's family or tamper with the evidence of the case.

12. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

13. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

14. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

15. *Dasti.*

16. Order be uploaded on the website of this Court.

ANISH DAYAL, J

OCTOBER 15, 2024
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