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

+ **BAIL APPLN. 10/2024**

BHARAT BHUSHAN KALRA Petitioner

Through: **Mr. Rajesh Kumar Singh, Adv.**

versus

STATE (NCT OF DELHI) Respondent

Through: **Mr. Ajay Vikram Singh, APP for State with SI Amit, PS Shalimar Bagh.**

Mr. Ajay Kumar Pipaniya, Ms. Pallavi Pipaniya, Mr. Imtiyaz Hussain, Mr. Harjas P. Anand and Mr. Sandeep Kumar and Mr. Aditya Sharma, Advs. for complainant.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

19.02.2024

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1. An application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of anticipatory bail in FIR No. 590/2023 under Section 420 IPC registered at P.S.: Shalimar Bagh.

2. In brief, as per the case of the prosecution, complainant Dinesh Kumar Gupta alleged that the accused represented himself to be the owner of the property no. BE-32, West Shalimar Bagh, Delhi and as such the third floor of premises, which was under construction, was booked for consideration of Rs. 2,85,00,000/-. At the time of alleged agreement, petitioner Bharat Bhushan Kalra showed only a photocopy of GPA of the



property in his favour. The consideration amount was to be paid in installments and an amount of Rs. 28,50,000/- was further paid to the petitioner.

It is further the case of the prosecution that during the pendency of the said deal, complainant received a legal notice from Shama Kalra w/o Bharat Bhushan Kalra mentioning that she had taken stay on the said property and there are eight cases and one complaint pending against accused Bharat Bhushan Kalra (petitioner). Thereafter the complainant came to know that the petitioner/accused had no title to the property and the owner of the property is his mother Smt. Pushpa Devi.

3. Learned counsel for the petitioner submits that the petitioner is the owner of the property, but the original documents are in custody of his wife with whom the petitioner is having litigation. It is denied that any other person is the owner of the said property.

4. On the other hand, the application is vehemently opposed by the learned APP for the State assisted by learned counsel for the complainant and it is pointed out that the petitioner has failed to produce the original documents despite joining the investigation. It is also submitted that the mother of the petitioner had filed a complaint with the DDA regarding the ownership of the aforesaid property, claiming that a misrepresentation had been made in the office of DDA.

6. I have given considered thought to the contentions raised.

Interim protection had been granted to the petitioner vide order dated 03.01.2024 to explore the possibility of settlement with the complainant. However, it appears that despite joining the investigation, original documents qua ownership of the property have not been produced. The very



foundation for entering into agreement by the complainant was on the basis of representation made by the petitioner that he is the owner of the property which stands strongly refuted during investigation.

In the facts and circumstances, no grounds for anticipatory bail are made out. Application is accordingly, dismissed. Pending applications, if any, also stand disposed of.

Interim order stands withdrawn.

ANOOP KUMAR MENDIRATTA, J

FEBRUARY 19, 2024/akc