



\$~60

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

+ **W.P.(CRL) 2732/2024, & CRL.M.A.26828/2024 (stay)**

SH MANMEET SINGH LAMBA AND ANRPetitioners

Through: Mr. Praveen Suri, Advocate (through
VC) with Mr. Akhil Kumar,
Advocates.

versus

MS POONAM SYAL AND ORSRespondents

Through: Mr. Yasir Rauf Ansari, ASC for the
State with Mr. Alok Sharma and Mr.
Vasu Agarwal, Advocates.

Mr. Kanhaiya Singhal, Ms. Jahanvi
Worah and Mr. Ujwal Ghai,
Advocates for R1.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **05.09.2024**

CRL.M.A. 26827/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(CRL) 2732/2024

3. The Petition under Article 226 and Article 227 of the Constitution of India read with Section 528 of BNSS, 2023 has been filed on behalf of the petitioners, to challenge the Order dated 16.12.2022 *vide* which the learned JMFC-03, SED/Saket/New Delhi, had attached the property bearing No. S-1/20A, Third Floor, Old Mahavir Nagar, New Delhi.
4. It is submitted by the petitioner that the suit property has been purchased by the petitioner *vide* a valid Sale Deed, executed in his favour on 13.04.2023. The Sale Deed was submitted to the Registrar for registration on 28-29/03/2023, which was registered on 13.04.2023.



5. Learned counsel appearing on behalf of the petitioners, submits that though the attachment is of December 2022 of the property of the accused but he is a *bona fide* purchaser, who has purchased the property *vide* Registered Sale Deed dated 13.04.2023. The property cannot be encumbered with the outstanding liabilities of the accused as is sought to be done by way of various Orders, which have been passed in the present proceedings. It is submitted that because he is a *bona fide* purchaser, the impugned Order *viz a viz* the subject property is liable to be set aside.

6. Learned counsel appearing on behalf of the complainant/respondent No. 1 has submitted that these very objections have already been filed before the learned Metropolitan Magistrate by the petitioner, which are under consideration. When an alternate efficacious remedy is available which has already been availed by the petitioner, this present Petition seeking the same relief is not tenable.

7. **Submissions heard.**

8. Insofar as the contention of the learned counsel for the petitioner is concerned, that because he is a *bona fide* purchaser and he cannot be fastened with the outstanding liabilities of the accused, the objections have already been filed before the learned Metropolitan Magistrate. He is at liberty to pursue the alternate efficacious remedy which he has already availed.

9. No further directions are required to be made in the present Petition. The Petition is disposed of. The pending application also stands disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 5, 2024/RS