



\$~30

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

+ BAIL APPLN. 3331/2024, CRL.M.A. 27926/2024,

PRADEEP KUMAR KHOKHAR

.....Petitioner

Through: Mr. Jahanvi Worah, Mr. S. P. M.
Tripathi, Mr. Rajat Oswal, Mr.
Deepak Sharma, Advs.

versus

STATE OF DELHI & ANR.

.....Respondents

Through: Ms. Priyanka Dalal, APP for State
with SI Ramesh Kumar, PS Nihar
Vihar.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

13.09.2024

%

CRL.M.A. 27927/2024

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

BAIL APPLN. 3331/2024

3. The present bail application has been filed under Section 438 Cr.P.C. r/w Section 482 BNSS on behalf of applicant seeking grant of anticipatory bail in case FIR No. 1411/2023 dated 31.10.2023 registered under Section 384/506 IPC at PS Nihar Vihar.
4. Learned counsel for the petitioner submits that the FIR in the present case is quite open ended and vague wherein allegations have been made that the had complainant received a phone call, where threat has been extended. On the basis of the phone call received, FIR No.



1411/2023 was lodged. The complainant had alleged that the threat was received on 25.10.2023 and the FIR was lodged on 31.10.2023.

5. Learned counsel for the petitioner submits that in fact it was a property dispute regarding which the complainant had made a complaint to the police which was referred to the SDM, Punjabi Bagh. Pursuant to which the proceedings under Section 145 Cr.P.C. were initiated. However, learned counsel submits that in fact the dispute is in respect of the property bearing Khasra No. 34/5, F-Block, Nihal Vihar, Nangloi. The complainant had purchased this property from Balbir. It has further been submitted that the said Balbir had purchased this property from one Mithlesh Kumar Jha.
6. Learned counsel submits that allegedly thereafter Mithlesh Kumar Jha cancelled the GPA as he did not receive the consideration from Balbir. Learned counsel submits that the case of the prosecution is that while cancelling the GPA some documents were forged and fabricated and Mithlesh Kumar Jha in his disclosure statement named the present petitioner who had forged and fabricated the documents. Learned counsel submits that except the disclosure statement of Mithlesh Kumar Jha there is no other evidence. Learned counsel further submits that on 20.01.2024 the parties have settled the disputes amongst themselves as recorded in the order dated 20.01.2024 passed by SDM Court. Learned counsel has also submitted that even during the proceeding before the SDM all the documents were duly verified. It has been submitted that even therefore the sections invoked by the prosecution are not correct.
7. Learned APP for the state has opposed the bail application and submits



that as per the case of the prosecution Mithlesh Kumar Jha in his disclosure statement has disclosed that the documents concerning property bearing Khasra No. 34/5, F-Block, Nihal Vihar, Nangloi were forged and fabricated by the petitioner. Learned APP submits that the petitioner is in collusion with accused Mithlesh Kumar Jha. Learned APP submits that the petitioner is not cooperating in the investigation and has not furnished the documents as sought from. It has further been submitted that in fact a civil suit regarding the same property is also pending bearing No. Civ DJ No. 205/2024 titled *Om Vati and Anr. vs. Balbir Singh and Ors.* in the court of ADJ-04, West, Tis Hazari Courts, Delhi. Learned APP has further submitted that there is also involvement of the present petitioner in a similar kind of offence.

8. Learned APP submits that during the course of investigation, the owner of said mobile phone namely Rohit Sharma @ Sonu has joined the investigation and his voice sample has been taken. The state has thereafter detailed the property dispute between the complainant and Mithlesh Kumar Jha. The status report has indicated that in the disclosure statement Mithlesh Kumar Jha has disclosed the role of the present petitioner regarding the forging and fabrication of documents in conveyance with other accused persons.
9. I have considered the submissions.
10. The perusal of the present FIR indicates that allegedly the complainant had received a threat call on his mobile from 9697632000, the caller introduced himself as Soni Sarkar nephew of Rajesh Sarkar. Allegedly the caller abused the complainant and threatened to kill him. The caller allegedly asked the complainant to settle the matter. It is further alleged



that during a second call the caller threatened the complainant to vacate the plot. The perusal of the status report filed before the Ld. Trial Court indicates that during the course of investigation, the complainant disclosed that he had received threat calls to reach on a settlement regarding plot bearing No. F-157, Satsung Road, Nihal Vihar, Delhi. The complainant then disclosed that the previous owner Mithlesh Kumar Jha along with his associates are indulged in this threat. The status report also indicates that the notice was given to the owner of the alleged mobile number 9697632000. However no clue could be found of the suspected person.

11. The Court has noted the fact the call was received on 25.10.2023 and the FIR was lodged on 31.10.2023. The complainant was well aware of his dispute regarding the property. However, he remained silent to name any of the persons. Only during the course of investigation, the complainant gave the details regarding Mithlesh Kumar Jha and then in the disclosure of Mithlesh Kumar Jha name of the present petitioner had came. The dispute regarding the plot is agitated before the SDM which finally culminated into settlement. The civil suit is also stated to be pending over the same property.
12. I consider that this is a fit case where the discretion of anticipatory bail can be exercised. Hence, taking into account the facts and circumstances of the case, the petitioner is admitted to anticipatory bail on furnishing a personal bond of Rs. 20,000/- with one surety of the like amount subject to the satisfaction of the Ld. Trial Court subject to the following conditions:



- a) the petitioner shall cooperate in the investigation and appear before the Investigating Officer of the case as and when required;
 - b) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
 - c) the petitioner shall provide his/her mobile number(s) to the Investigating Officer and keep it operational at all times;
 - d) In case of change of residential address and/or mobile number, the petitioner shall intimate the same to the Investigating Officer/Court concerned by way of an affidavit.
13. In case the petitioner fails to join the investigation, the prosecution is at liberty to move in accordance with law.
14. The present application along with pending application stands disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 13, 2024/AR/KR..