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

+ BAIL APPLN. 3477/2024

POONAM

.....Petitioner

Through: Mr.R.K. Burman and Ms.Mahima Rani,
Advocates

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State with
Insp.Parmod Kumar

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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07.11.2024

1. The present application has been filed by the petitioner/applicant seeking anticipatory bail in FIR No.253/2024 registered under Sections 380/420/448/467/468/471/120B IPC at P.S. K.N. Katju Marg, Delhi.
2. Learned counsel for the applicant submits that the applicant is a bonafide purchaser of the property bearing *No.A-3/51, Sector-17, Rohini, Delhi* from one *Mohd Wasim* by way of a registered Agreement to Sell against a sale consideration. He further submits that the applicant has also joined the investigation and her custodial interrogation is no longer required. It is also stated that the applicant has already handed over the documents in her possession. Lastly, it is submitted that the original allottee, one *Smt. Prakash Devi Gulati* from whom the co-accused, *Mohd Wasim* had purchased the subject property, has also not been interrogated.



3. Learned APP for the State duly assisted by learned counsel for the complainant, has opposed the bail application. He submits that *Smt. Prakash Devi Gulati* was the original allottee of the subject property in the year 1989 whereafter she had allegedly sold the subject property to the co-accused, *Mohd. Wasim*, who eventually sold the same to the present applicant and the same was used as a storage facility. It is stated that on 12.12.2023, the complainant became aware that some women had trespassed into the subject property including the present applicant alongwith *Ramrati @ Preeti Bahanji* and *Neeta*, who demanded a sum of Rs.5,00,000/- for vacating the said property. During the course of investigation, *Poonam* had produced a GPA dated 08.11.2023 vide which the co-accused *Mohd. Wasim* had sold the subject property to her against the sale consideration reflected through the payment of cheque bearing No.720969 drawn on Canara Bank, Sector-16, Rohini, Delhi for a sum of Rs.9,10,000/-. However, the said cheque was never encashed by *Mohd. Wasim* but was rather self-encashed by the applicant on 14.01.2024 for a sum of Rs.1,40,000/-. It is thus submitted that the sale consideration shown in the Agreement to Sell was never paid by *Poonam* to *Mohd. Wasim* and that the said agreement was only a sham.

It is further submitted that *Mohd. Wasim* has claimed the ownership of the property by virtue of a notarized GPA dated 29.12.1995 which, on verification, was also found to be not genuine as the notarization did not have registration number and *Mohd. Wasim* himself was 13 years of age on the date of the alleged transaction. It is also submitted that the present applicant has joined the proceedings on 26.01.2024 whereafter, despite being aware of the pendency of the criminal case, she has further sold the subject property to other persons, namely, *Sonal Aggarwal*, *Mahesh*



Sachdeva & Amit Arora on 28.02.2024 through registered documents for a sum of around Rs.9,50,000/-.

4. At this stage, learned counsel for the applicant contends that the submissions made with respect to encashment of the aforesaid cheque shown as a sale transaction is incorrect as the cheque encashed by the applicant was bearing a different number.

5. I have heard learned counsels for the parties as well as learned APP for the State and have also gone through the material placed on record.

6. The present case relates to the allegations of forgery of valuable security in the form of preparation of ownership documents relating to the subject property. As per the police verification, neither the GPA in favour of *Mohd. Wasim* nor the sale transaction in terms of the Agreement to Sell by virtue of which, the applicant claims to be the owner, have been found to be genuine. Further, the applicant, during the course of the pendency of the criminal proceedings in the present FIR, has further sold the subject property. As is evident by the sheer conduct of the applicant, she is not entitled to the grant of interim protection.

7. In view of the above, the present application is dismissed.

MANOJ KUMAR OHRI, J

NOVEMBER 7, 2024

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