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

+ **BAIL APPLN. 3628/2024**

PRAMOD CHAUHAN

.....Petitioner

Through: Mr. Vikas Arora, Ms. Radhika Arora
and Mr. Vishal Choudhary,
Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for State.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

20.11.2024

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1. The instant bail application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter as the “BNSS”) [earlier under Section 438 of the Code of Criminal Procedure, 1973] has been filed on behalf of the applicant/petitioner for the grant of anticipatory bail to the applicant in FIR No. 559/2023 dated 15th September, 2023 registered at Police Station - Kalindi Kunj, Delhi for the offence punishable under Section 420/406/506 of the Indian Penal Code, 1860 (hereinafter as the “IPC”).

2. Learned counsel appearing on behalf of the applicant submitted that the applicant is an innocent person and has not committed any offence as alleged in the aforesaid FIR.

3. It is submitted that as per the complainant, the instant case pertains to



the land sale transaction, wherein the applicant aimed to sell a land measuring 1000 sq. yards at Khasra No. 600 and 943/605 situated in village Madanpur Khadar, Sarita Vihar, New Delhi-110076 for total consideration of Rs. 4,00,00,000/-, out of which the applicant obtained Rs. 50,00,000/- from the complainant on 17th May, 2022 and Rs. 25,00,000/- on 28th June, 2022.

4. It is submitted that there is no dispute regarding the execution of the sale agreement and further submitted that Paragraph no. 3 of the sale agreement itself shows that there are certain disputes and legal proceedings pending against the property Khasra No. 943/605, and therefore, there is no reason to conceal the facts as alleged by the complainant and prosecution agency.

5. It is submitted that the applicant has filed the instant application disclosing all the material facts and details of the criminal cases registered against him by way of filing the additional documents alongwith all orders and affidavit dated 14th October, 2024.

6. It is submitted that *vide* order dated 24th April, 2024, the Court concerned has granted interim protection to the applicant. Furthermore, the maximum punishment for the offences alleged in the aforesaid FIR is seven years and upon service of notice under Section 41A of the Code of Criminal Procedure, 1973 (hereinafter as the “Code”), the applicant duly joined the investigation on 29th April, 2024 and submitted all the relevant documents required for the purpose of investigation in the instant case to the Investigating Officer (hereinafter as the “IO”).

7. It is submitted that the applicant undertakes that he shall cooperate with the investigating agency as and when required and also undertakes to



abide by any condition imposed upon him by this Court while granting anticipatory bail.

8. It is submitted that the allegations made by the complainant depend on the documentary evidence and the documents available with him have already been submitted to the IO. However, pertaining to the documents required by the IO in the future, learned counsel for the applicant undertakes to supply the same and prayed that the interim order, if any, to continue till then.

9. It is further submitted that in view of the aforementioned facts and circumstances, it is prayed that the applicant be granted anticipatory bail.

10. *Per contra*, learned APP appearing on behalf of the State submitted that he has filed the Status Report but the same was not taken on record. During the arguments, learned APP for the State furnished a copy of the Status Report and case diary for this Court's perusal.

11. Learned APP appearing on behalf of the State vehemently opposed the instant application submitting to the effect that the applicant is a habitual offender. It is submitted that there are nine criminal cases registered against the applicant, out of which seven cases are of similar nature of offences committed by the applicant and the details of the same are given in Paragraph no. 5 of the Status Report.

12. It is further submitted that the Court concerned granted interim protection to the applicant vide order dated 24th April, 2024, however, after acquiring the interim protection, the applicant committed an offence under Sections 306/506/120B of the IPC and an FIR bearing no. 103/2024 was registered on 30th May, 2024.

13. It is submitted that the applicant has violated the liberty granted by



the Court concerned vide order dated 24th April, 2024 and committed a serious offence which is punishable under Section 307 of the IPC. Accordingly, FIR bearing no. 103/2024 has been registered against him. However, it is submitted that the applicant has been falsely implicated in the said case as he played no role in commission of the said offence.

14. It is submitted that the applicant has joined the investigation only once despite serving the notices under Section 41A of the Code thrice on the applicant, thereby not cooperating with the investigation. In support of his arguments, learned APP for the State relied upon Paragraph no. 13 of the Status Report.

15. It is also submitted that the applicant has not produced requisite documents as required by the Investigating Officer and therefore in view of the aforementioned facts and circumstances, the instant application may be dismissed.

16. Heard learned counsel for the parties and perused the record, alongwith the contents of the application and the Status Report filed by the State which is taken on record.

17. At this stage, it is relevant for this Court to understand the circumstances and factors which is required to be considered while granting anticipatory bail. Hence, it is pertinent to mention the case of ***Lavesh v. State (NCT of Delhi), (2012) 8 SCC 730***, wherein the Hon'ble Supreme Court observed that while granting anticipatory bail to the accused, the Courts must examine the gravity and magnitude of the allegations levelled against him as well as other factors such as the previous conduct, antecedents, possibility of fleeing justice etc.

18. Adverting to the facts of the instant case, upon perusal of the case



diary as well as the Status Report, it is observed that the applicant has nine criminal cases registered against him, out of which he was convicted for the offence under Section 138 of the Negotiable Instruments Act, 1881 in Complaint Case bearing no. 636494/2016. It is further observed that the Court concerned has granted an interim protection vide order dated 24th April, 2024 to the applicant, however, on 30th May, 2024, an FIR bearing no. 103/2024 was registered against him for offences punishable under Sections 307/506/120-B of the IPC.

19. It is an admitted fact that the applicant has criminal antecedents as he has eight cases pending against him, however, he is not named as an accused in one of those cases i.e., FIR bearing no. 318/2022. It is also not denied that the FIR bearing no. 103/2024 was registered against the applicant after the grant of interim protection to the applicant vide order dated 24th April, 2024, however, the applicant denies having a role in commission of offences as mentioned in the FIR bearing no. 103/2024.

20. It is the case of the learned APP for the State that the applicant has failed to cooperate with the investigation despite serving notices under Section 41A of the Code. The notices to join the enquiry have been served on the applicant, which are annexed as Annexure P-3 to the instant application.

21. Upon perusal of the said notices, it is observed that the applicant joined the investigation on 26th July, 2023 and 30th July, 2023 as required by the investigating agency. The said notices directed the applicant to produce requisite documents pertaining to the instant case for further investigation, however, the applicant failed to comply with the same on both the occasions.



22. Therefore, considering the aforesaid facts and circumstances and law laid down by the Hon'ble Supreme Court, it is observed that the offences levelled against the applicant are serious in nature. Moreover, there is a high probability of the applicant committing an offence of similar nature, if granted anticipatory bail due to his previous conduct in violating the terms and conditions of the interim protection granted to him by the Court concerned vide order dated 24th April, 2024, as well as his involvement in eight criminal cases of similar nature which are pending against him.

23. In light of the applicant's previous conduct, criminal antecedents, and his failure to cooperate in the investigation by not providing the requisite documents, this Court is not inclined to grant an anticipatory bail to the applicant.

24. In view of the above facts and circumstances, this Court does not find any merit in the instant petition and accordingly, the instant petition is dismissed along with the pending applications, if any.

25. It is made clear that the observations made herein, touching upon the merits of the case, are purely for the purpose of deciding the question of cancellation of bail, which shall not be construed as an expression of final observations on the merits of the present case.

CHANDRA DHARI SINGH, J

NOVEMBER 20, 2024

Rk/mk

Click here to check corrigendum, if any