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

+ **BAIL APPLN. 4127/2024**

VIKAS NARWAL

.....Petitioner

Through: Mr. Faraz Maqbool, Mr. Chandan
Kumar and Ms. A. Sahitya Veena,
Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Prem Giri, PS KNK Marg.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

05.12.2024

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1. This petition has been filed by the petitioner, seeking regular bail in relation to FIR No. 568/2022, P.S. K.N. Katju Marg, registered under Sections 420/427/448/451/468/471/506/120B of the Indian Penal Code, 1860 (“**IPC**”).
2. The case of the prosecution is based on the premises, the property bearing No. I-5/23, Sector 16 Rohini, Delhi, was owned by the complainant/ Mr. M.L. Bharti and he noted that some persons had trespassed on his property and started construction. Accordingly, the FIR was registered, initially under Sections 448/451/427/506 IPC. The person who was constructing, was co-accused Rajesh Lakra, who stated that one Sanjeev Mittal, had sanctioned the construction on the said property.
3. As per the submission made by the IO, Rajesh Lakra was arrested and



was released on police bail. Sanjeev Mittal did not join the investigation, thus, proceedings under Section 82 Cr.P.C have been initiated against him.

4. During investigation, the complainant produced the documents stating that the accused persons got death certificates issued of him and his wife, and forged the property documents, to grab his property, and even prepared a relinquishment deed dated 21.2.2023 and filed a civil suit as well. The requisite documents were requisitioned from the MCD and the Sub-Registrar's offices. It was revealed that on 20.01.2023 and 25.01.2023, petitioner/Vikas Narwal had submitted two applications on MCD portal for issuance of death certificate of complainant/Mr. M.L. Bharti and his wife Nutan Bharti.

5. It is submitted by APP for the State that the co-accused Sanjay and petitioner/Vikas Narwal impersonated themselves to be sons of the complainant. Subsequently, the relinquishment deed was registered, with co-accused Sanjay as the releasor and petitioner/Vikas Narwal as the releasee.

6. The investigation is now complete and the charge-sheet has been filed.

7. Counsel for the petitioner states that co-accused Sanjay has been granted bail by this Court on 15th October, 2024 in BAIL APPLN. 2898/2024. He further states that the role of the petitioner is the same as that of Sanjay, since both of them, as per the charge-sheet, had impersonated as the sons of the complainant; co-accused Sanjay having misrepresented as the elder son and the petitioner as the younger son. He states that it was done at the behest of Sushil, from whom the original relinquishment deed was found.

8. He further states that in fact the phone of co-accused Sanjay had been



used to upload the death certificates on the MCD portal and belong to Sanjay and not the petitioner.

9. Counsel for the petitioner further states that the trial will take time, since the charges have yet not been framed. The petitioner is not a flight risk since he has roots in Delhi including a mother who is a senior citizen and he will be the only one to take care of his mother as his father expired in 2022 and his brother is leaving for USA. The case relates to documentary evidence and all of which is in possession of the IO.

10. The APP for the State, however, objects and states that the mobile phone which was used to upload the death certificates on MCD portal, belonged to the petitioner and was recovered from him.

11. Notwithstanding the above, in light of the fact that the trial is likely to take time, the co-accused has been granted bail, the charge-sheet has been filed and the investigation is complete and the nature of the evidence is documentary in nature, and the property in question has reverted back to the complainant/Mr. M.L. Bharti and his wife and there is no previous involvement of the petitioner as per the Nominal Roll and the petitioner has already undergone about 1 year 4 months in custody, this Court deems it fit to grant bail to the petitioner.

12. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:



- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO concerned.
- v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
- vi. Petitioner will mark presence physically before the concerned I.O. on first Monday of every month at 4:00 PM, and will be not kept waiting for more than an hour.
- vii. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.

13. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

14. Copy of the order be sent to the Jail Superintendent for information



and necessary compliance.

15. Status report may be placed on record of this Court by the APP for the State.

16. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

17. Order be uploaded on the website of this Court.

ANISH DAYAL, J

DECEMBER 5, 2024/MK/na