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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4284/2024**
KAMAL BATRA

.....Petitioner

Through: Mr. Neeraj Kr. Shah, Ms. Simran
Deep Singh, Advs.

versus

THE STATE (GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP
SI Vandana, PS DIU West District
Mr. Amrendra Nath Shukla, Adv.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
25.11.2024

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1. This is a petition filed under section 482 of BNSS, 2023 seeking anticipatory bail in the FIR No. 453/2024 registered at PS Punjabi Bagh under Sections 419/420/467 of IPC.
2. In the petition, inadvertently wrong FIR has been filed. However, the correct FIR has been handed over in Court today which is taken on record.
3. As per the FIR, the complainant, namely, Ms. Rajni Jain stated that they are the owner of the flat No. 127, (MIG), Second Floor, Madipur, Delhi-110063 and they had not entered into any sale transaction with respect to the aforesaid flat. Suddenly, in June, 2024, somebody visited the aforesaid flat of the complainant stating that he is from the housing loan Department of Canara Bank and again on 08.07.2024, another person visited stating from Aditya Birla Housing Finance Limited.
4. On inquiry, the complainant was shown photo copy of the registered



sale deed executed by one Ms. Meena Kumari Saini in favour of Mr. Mehar Batra. The said sale deed was duly registered. Immediately, the complainant contacted the petitioner and his son who said that it was a case of mistaken identity as they had only sought to purchase Flat No. 127, SFS, Second Floor, Madipur, Delhi-110063 and not flat No. 127, (MIG), Second Floor, Madipur, Delhi-110063 belonging to the complainant.

5. Thereupon the complainant filed a suit for permanent injunction with respect to the flat No. 127, (MIG), Second Floor, Madipur, Delhi-110063. On the statement of the petitioner that he is not the owner of that property, the said suit was decreed in favour of the complainant.
6. In view of the above facts, it is abundantly clear that the complainant Ms. Rajni Jain continues to be the owner of the flat No. 127, (MIG), Second Floor, Madipur, Delhi-110063 and there is no restriction or cloud over her sale deed.
7. On account of the negligence of the petitioner, the complainant has been put to a lot of harassment and mental agony. For the said reasons, the parties were sent to mediation to Mr. Anil Kumar Verma, Advocate.
8. With the good offices of Mr. Anil Kumar Verma, Advocate, the parties have arrived at a settlement.
9. As per the settlement, the petitioner shall pay a sum of Rs 5.80 lakhs to the complainant within a period of 15 days from today by way of Demand Draft in full and final settlement of Mr. Kamal Batra as well as his son Mr. Mehar Batra.
10. Mr. Manoj Jain and Mr. Harshit Jain i.e. the brother and the son of Ms.



Rajni Jain are present in Court and state that the amount of Rs. 5.80 lakhs is acceptable to Ms. Rajni Jain.

11. In addition, the petitioner will also provide a certified copy of the decree dated 18.09.2024 along with the copy of this order to all the concerned Sub-Registrars as well as to the Canara Bank and Aditya Birla Housing Finance Limited.
12. The petitioner shall also cooperate with the IO SI Vandana, PS DIU West District and will join investigation as and when called to find the whereabouts of the impersonating Ms. Meena Kumari Saini.
13. Keeping in view the aforesaid facts and circumstances of the present case, the present petition is allowed. It is directed that in the event of arrest, the petitioner be released on bail subject to his furnishing a personal bond in the sum of Rs. 10,000/- with one surety of like amount to the satisfaction of the concerned Investigating Officer and also subject to the following further conditions:-
 - (i) At the time of furnishing bail bond, the petitioner shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.
 - (ii) The petitioner shall inform the concerned Investigating Officer about his current residential address.
 - (iii) In case of change of residential addresses/contact details, the petitioner shall promptly inform the same to the concerned Investigating Officer/SHO.
 - (iv) The petitioner shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.



- (v) The petitioner shall regularly appear before the trial Court.
14. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present petition.
 15. In case the amount is not paid within 15 days, the complainant will be at liberty to file an appropriate application.
 16. With these directions, the petition is disposed of.

JASMEET SINGH, J

NOVEMBER 25, 2024 / (MS)

Click here to check corrigendum, if any