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

+ CRL.M.C. 9195/2024 and CRL.M.A. 35213/2024

DHIRENDER BIST

.....Petitioner

Through: Mr.N. Hariharan, Sr. Advocate with
Mr.Vaibhav Sharma, Ms.Punya Rekha, Mr.Aman
Akhtar, Ms.Sana Singh, Ms.Vasundhara,
Ms.Urvashi Sharma and Mr.Vinayak Gautam,
Advocates

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Laksh Khanna, APP for State with
SI Rahul Lamba

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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25.11.2024

1. By way of present petition, the petitioner seeks cancellation of bail granted to respondent No.2 vide order dated 30.07.2018 in FIR No.339/2016 registered under Sections 306/403/406/420/120B/34 IPC registered at Police Station Neb Sarai, Delhi.
2. Learned Senior Counsel for the petitioner submits that on that day, two submissions were noted on behalf of the respondents; (i) firstly, that the parcel of land measuring 35/38 bighas was mutated and; (ii) secondly, that the respondent No.2 was ready to mutate the remaining 52 bighas of land in favour of the complainant. It is further submitted that a 4th supplementary



chargesheet has been filed on 03.09.2024 wherein it came to fore that respondent No.2 was never the owner of the parcel of land, which was sold to the complainant and his father, who committed suicide.

3. Pertinently, the present case is registered in the context of two sale transactions with respect to certain parcels of land. The first Sale Deed came to be executed on 09.05.2011 and the second Sale Deed came to be executed on 25.12.2011 between the alleged companies represented by respondent No.2 on one hand and the petitioner/complainant and his father (deceased) on the other. The impugned order is challenged primarily for the reason that the statement recorded in the impugned order was incorrect as respondent No.2 failed to carry out his obligations. It has also been contended that the said parcel of land in fact never belonged to respondent No.2 as the said parcel of land was also the part of proceedings pending before the Supreme Court resulting in order dated 11.04.2011, a portion of land was transferred to the State of Uttarakhand.

4. On a query, learned APP for the State, on instructions from the I.O., submits that till date the mutation pertaining to entire parcel of land stands in the name of the petitioner. It is also informed that respondent No.2 had remained incarcerated from 01.06.2017 to 26.09.2017, when he was released on interim bail which was confirmed on 30.07.2018. The deceased committed suicide on 27.01.2016. This Court, while passing the impugned order, had noted the submissions on behalf of the parties.

5. Considering the statement made on behalf of the learned APP that as per the records the mutation is still in the name of the petitioner as well as considering the import of judgments in Arnesh Kumar v. State of Bihar & Anr reported as **(2014) 8 SCC 273** and Satender Kumar Antil v. Central



Bureau of Investigation reported as **(2022) 10 SCC 51**, I find no ground to entertain the present petition. Accordingly, the same is dismissed alongwith the pending application.

MANOJ KUMAR OHRI, J

NOVEMBER 25, 2024

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