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

+ **BAIL APPLN. 44/2025**

SUDEEP SINGH

.....Petitioner

Through: **Mr. R. Krishnaamorthi, Advocate**

versus

STATE NCT OF DELHI

.....Respondent

Through: **Mr. Amit Ahlawat, APP for the State
with SI Dhananjay Gupta, PS Kirti
Nagar**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

18.02.2025

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1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) assails order dated 16th November, 2024 whereby the ASJ, West District, Delhi dismissed the Applicant's request for grant of regular bail in proceedings arising from FIR No. 75/2020 registered under Sections 420, 468, 471, 34 of the Indian Penal Code, 1860³ at P.S. Kirti Nagar. The Applicant has now approached this Court seeking regular bail in the aforesaid proceedings. In the said FIR, a chargesheet has been filed and the Applicant is additionally charged with Section 467 of IPC.

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



2. A copy of the status report has been handed over across the Board and is taken on record.

3. Briefly, the case of the prosecution is as follows:

3.1 The present FIR has been registered on a complaint filed by one Mr. Ishpreet Singh under Section 156(3) of Cr.P.C., in compliance with order dated 4th February, 2020.

3.2 In the said complaint, the Complainant alleged that the Applicant and his wife, who were employed as caretakers of his grandfather, had forged and fabricated the documents of the property bearing No. 6/15, Ramesh Nagar, Delhi⁴ owned by the Complainant's grandfather. The Complainant had stated that despite the fact that his grandfather had executed a Will with respect to the said property in favour of his daughter, i.e., mother of the Complainant, this fact came to his notice after the death of his grandfather. Upon being apprised of the same, the Complainant called upon the Applicant and his wife to vacate the subject property.

3.3 During the course of investigation, statements of witnesses were recorded and the Will executed by the deceased was also verified and found to be genuine. The persons who had witnessed the said Will were examined and they confirmed the execution of the Will by the deceased.

3.4 Subsequently, notices were issued to Applicant and his wife with the directions to join the investigation and produce the documents purported to be executed by the owner of the property in their favour and also disclose the source of money allegedly paid by them to the deceased and provide

⁴ "the subject property"



details of the witnesses who allegedly witnessed the documents executed by the deceased in their favour.

3.5 Although the Applicant joined investigation, he neither provided the necessary documents nor provided the details of the witnesses who has signed the said documents. Hence, the Applicant was arrested and after the completion of investigation, chargesheet was filed.

4. Counsel for the Applicant contends that the Applicant has been in judicial custody since 8th April, 2024 and since chargesheet has been filed, no fruitful purpose will be served by keeping the Applicant in custody. He highlights that civil proceedings in respect of the subject property are currently pending. It is further stated that the Applicant has no criminal antecedents and undertakes to abide by the conditions of bail, if the same were to be granted.

5. Mr. Amit Ahlawat, APP for the State, on the other hand, strongly opposes the present bail application. He submits that the Applicant's previous bail applications have been dismissed by the Trial Court through orders dated 2nd August, 2024 and 16th November, 2024. He states that the offence in the present case is serious in nature. He highlights that the wife of the Applicant, who is co-accused in the present case, is absconding. Additionally, further investigation regarding involvement of the persons in the commission of crime is pending. It is apprehended that the Applicant is likely to be in default of the bail conditions, if the same were to be granted.

6. The Court has considered the afore-noted contentions. It is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim



sought to be achieved by bail is to secure the attendance of the accused person at the trial.⁵ The nature of the allegations, although serious, primarily stems from a property dispute, wherein the Complainant contends that the Applicant and his wife fraudulently acquired ownership documents of the deceased's property. The prosecution's case hinges upon the Applicant's alleged failure to produce the documents purportedly executed in his favour and disclose details of the financial transactions with the deceased. These aspects, though relevant to the trial, do not, at this stage, justify the Applicant's continued detention.

7. Notably, the Applicant has remained in custody since 8th April, 2024, and the investigation against him stands concluded. The matter is presently at the stage of framing of charges. The allegations in the FIR pertain to a dispute over the ownership of the property, which also forms the subject matter of civil proceedings initiated by the Complainant. It is pertinent to note that the Applicant himself had earlier filed a civil suit, though he later withdrew the same. This reinforces the civil nature of the underlying dispute, making prolonged incarceration unnecessary after conclusion of investigation.

8. Additionally, it is undisputed that the Applicant has no prior criminal antecedents, and there is nothing on record to suggest that he has previously attempted to interfere with the investigation or influence witnesses. In such circumstances, continued incarceration would serve no meaningful purpose. As regards the apprehension of the prosecution that the Applicant may

⁵ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



abscond or default on bail conditions, the Court finds that this concern can be effectively addressed by imposing stringent conditions ensuring his continued presence during trial.

9. In view of the foregoing, the Applicant is directed to be released on bail on furnishing a personal bond for a sum of INR 50,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court, on the following conditions:

- a. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
- c. The Applicant shall appear before the Trial Court as and when directed;
- d. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- e. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
- f. The Applicant shall report to the concerned P.S. on the first Monday of every month.

10. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

11. It is clarified that any observations made in the present order are for



the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

12. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

FEBRUARY 18, 2025/ab