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

+ **BAIL APPLN. 345/2025**

HARSH KHERA IN JC THROUGH PAROKAR MS SAKSHI

KHERA D/O HARSH KHERA

.....Petitioner

Through: Mr. Sanjay Kumar, Mr. Ravikant Mahajan, Mr. Neeraj Kadyan, Mr. Ujjwal Arora, Mr. Dushyant Ahlawat, Advts.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
12.03.2025

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1. This is a petition seeking grant of regular bail in F.I.R No. 351/2015 under Sections 420/419/467/471/474/120-B/34 of IPC registered at Police Station Anand Vihar.
2. As per the FIR, the petitioner forged and fabricated documents with regard to plot bearing No. 701, Pocket-1, Block-A, Sector 29, Rohini, Residential Scheme on the pretext of selling the property to the complainant and thus, allegedly received a sum of Rs. 76 lakhs from the complainant.
3. It was subsequently transpired that the title documents of Dinesh Sharma were forged and fabricated and hence, the petitioner could not have conveyed any title to the complainant.



4. In the disclosure statement of Dinesh Sharma, it was stated that it is the petitioner who had made the forged and fabricated documents and had appended the signatures on the said documents on behalf of the original allottee, namely Mr. Vijay Kumar.
5. As per the FSL report, the handwriting of the petitioner matches with the forged signatures on the title documents.
6. The Hon'ble Supreme Court in ***Union of India v. K.A. Najeeb, (2021) 3 SCC 713*** has observed that if the Court is of the view that the trial is not likely to be concluded in near future and the accused person has undergone substantial period of incarceration, the accused should be released on bail in order to protect the fundamental right of speedy trial of the accused which flows from Article 21.
7. The accused cannot be put in jail for an indefinite period. The accused till the time is an undertrial prisoner, there is a presumption of innocence in his favour.
8. In the present case, the charges were framed against the petitioner on 25.02.2020 and since then the prosecution evidence is going on. As of today, only 7 witnesses have been examined out of 25 witnesses and it does not seem that the trial will conclude in the near future.
9. As per the Nominal Roll dated 14.02.2025, the petitioner has undergone incarceration for 5 years 7 months 8 days. The petitioner is still an undertrial prisoner and there is a presumption of innocence in his favour. There are 3 more FIRs registered against the petitioner, however, the petitioner is released on bail in all the cases.
10. For the aforesaid reasons, I am inclined to allow the petition and the petitioner is directed to be released on regular bail subject to the



following terms and conditions:-

- a. The petitioner shall furnish a personal bond in the sum of Rs 10,000 (Rupees ten thousand only) each with 1 surety in the like amount, to the satisfaction of the concerned trial court;
 - b. The petitioner shall not leave the country without the permission of the concerned court and if the petitioner has a passport, he shall surrender the same to the concerned trial court;
 - c. The petitioner shall furnish to the IO concerned the cell phone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched on at all times;
 - d. The petitioner will furnish his permanent address to the concerned IO and in case he changes his address, he will inform the IO concerned;
 - e. The petitioner shall not indulge in any act or omission that is unlawful, illegal or that would prejudice the proceedings in pending cases, if any;
 - f. The petitioner shall appear in Court on every date of hearing unless exempted;
 - g. The petitioner shall not communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.
11. In case there is any other fresh FIR registered against the petitioner, the respondent will be at liberty to file for cancellation of bail.
 12. All the observations made herein above are only for the purpose of



deciding the present petition and will have no effect on the merits of the case pending.

13. A copy of this order be communicated to the concerned jail authorities for necessary compliance.
14. Status report handed over in court today is taken on record.
15. The petition stands disposed of in the aforesaid terms.

JASMEET SINGH, J

MARCH 12, 2025/sp

[Click here to check corrigendum, if any](#)