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

+ **W.P.(CRL) 672/2023**

MANOJ KUMAR AND ORS.

.....Petitioners

Through: Ms. Shimpy Arman Sharma,
Advocate.

versus

STATE OF GNCTD AND ORS.

.....Respondents

Through: Mr. Sanjeev Bhandari, ASC for State
with Insp. Satyender Dhull, EOW.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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23.09.2025

1. The present petition under Article 226 of the Constitution of India, read with Section 482 of the Code of Criminal Procedure, 1973, seeks the following reliefs:

"A. Issue a writ in the nature of mandamus and appropriate orders directing the detaching of the subject property i.e., bearing Khata no. 891/1 Khala No. 901/2 Rect No. 84 Kila No. 22/2 (2-10) 23 (5-10), Tehsil Nuh, Village Malab, District Nuh, Haryana and lifting the stay imposed by this Hon'ble High Court vide its order dated 12 October 2020 passed by this Hon'ble High Court in the Bail Application No. 206/2020 & Crl. M. A, 8836/2020 titled as "Sunil Kumar Dahiya v. State"; and/or Malab, Tehsil, Nuh, Distt. Nuh, Haryana- 122 107 and/or;

B. Pass an order directing the Respondent No. 2 to remove the subject property from the list of properties owned by the Respondent No. 4 and submit an updated status report where the subject property is owned by the Petitioners and/or;

C. Pass an order directing the Respondent No. 5 to update the documents in the land records correctly and make the entries with respect to the subject property reflecting the rightful owners i.e., the Petitioners herein and/or;

D. Pass an order directing the Respondent No. 3 to vacate the stay from the subject property and remove the subject property from the list of properties

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*in the name of Respondent No. 4 and/or;
E. Pass any other or further order(s) as it may deem fit in the light of the
aforesaid facts and circumstances, and .in the interest of justice.”*

2. Petitioner No. 1, Manoj Kumar, acting for self as well as attorney of Petitioner Nos. 2 and 3 claims ownership of property bearing Khewat No. 891/1, Khala No. 901/2 Rect. No. 84 Killa No. 22/2 (2-10)23 (5-10), situated in Village Malab, Tehsil Nuh, Distt. Nuh (Haryana)¹.

3. The grievance of the Petitioner stems from the status report submitted by the SHO, EOW, New Delhi before this Court in connection with the bail application of Respondent No. 4 in *BAIL APPLN. 206/2020*, wherein the Investigating Officer was directed to verify the ownership of properties attributed to Respondent No. 4. In the said report, the subject property was erroneously reflected as an unsold property. Relying upon the said report, this Court, vide order dated 12th October, 2020, made the following observations:

“The hearing has been conducted through video conferencing.

1. *It is recorded in order dated 06.08.2020 that pursuant to order dated 22.07.2020, IO of the case was directed to file details of the documents which are on record of Trial Court. Accordingly, he stated that only list of 93 properties are on record of the Trial Court, however, there is no original document on record. It was further submitted that out of 93 properties, 87 properties were sold and 6 properties which are in the name of petitioner herein, their original documents are also not on record.*

2. *Mr.Hariharan, learned senior counsel for the petitioner submitted that the 6 properties admeasuring 17 ½ acres are situated in village Seedarwal, Gurgaon and if this Court grants bail to the petitioner for six months, these properties can be sold and the sale proceeds would be deposited in ESCROW account.*

3. *On the said date, Mr.Rakesh Khanna and Mr.Vivek Sood, learned senior counsels appeared on behalf of Investors submitted that the Trial Court has put an embargo on the sale of the properties including these 6 properties. Moreover, the embargo was put for the reason that until and unless the constructed area is not handed over to the investors, third party*

¹ “subject property”



interest cannot be created in these properties.

4. *Thereafter, this matter was taken up by this Court on 02.09.2020 and recorded the submission of counsel for the petitioner that all the properties had been sold before his arrest except 7 properties, which are his personal properties. This fact was disputed by counsels appearing on behalf of the Investors who submitted that 36 properties mentioned in the chart are still unsold.*

5. *Accordingly, IO of the case was directed to verify from the SubRegistrars concerned whether the said properties are unsold or have been sold. In case they are sold, then the date of execution of the sale deed and parties to whom it has been sold to be disclosed in the report. IO was also directed to verify 17 properties as mentioned in response filed on behalf of Investors Sangarsh Samiti and certain other properties as mentioned in Volume 3 of the pleadings. IO was also directed to file a report regarding how many properties have been sold subsequent to the order passed by the courts within four weeks.*

6. *For the aforesaid purpose, Incharge EOW was directed not to assign any case to the IO concerned during that period because properties mentioned in the charts were situated in different states and would take substantial time to verify the same.*

7. *Pursuant to order dated 02.09.2020, IO has verified the status of properties from different Sub Registrar concerned and filed a chart of the properties whereby it is stated that as per the chart, 57 properties have already been sold before his arrest and as per page 8 of status report dated 09.10.2020, properties mentioned under serial no.(s) 1 to 50 are in the name of the petitioner or his companies which are still unsold.*

8. *Accordingly, I hereby direct that the said properties shall not be sold without permission of Mr. Justice Vinod Goel (Retd.), Supervisor appointed by this Court in Co.A. No.509/2018 in CO.PET.885/2015 vide judgment dated 27.01.2020.*

9. *I further make it clear that if any of the properties is sold out of the aforesaid 50 properties, the amount shall be deposited in ESCROW account.*

10. *As per para 6 of the status report dated 09.10.2020, status of 36 properties is yet to be verified and no response has been received from the concerned Sub-Registrar office.*

11. *Accordingly, the Sub-Registrars, mentioned against the 36 properties, though not party in the present petition, however, while exercising power under section 482 Cr.P.C., are directed to mention whether the properties mentioned in para 6 of the status report are sold or unsold and, send report within a week to the concerned IO, failing which all the default SubRegistrars concerned shall personally remain present in Court through Video Conferencing and file an affidavit to explain the delay on the next date of hearing.*

12. *Learned senior counsel has pointed out that properties at serial*



number 40 to 44 at page 6 of the report were sold after his arrest. Thus, revoked embargo.

13. To this effect, let an affidavit be filed by client of Mr.Sood, learned senior advocate, pointing out the date on which embargo was imposed and when the said properties were sold. However, counsel for the petitioner has disputed the aforesaid fact and would like to file response to the affidavit to be filed by the client of Mr.Vivek Sood.

14. Let needful be done within one week thereafter.

15. IO is directed to file status report after receipt of information from the Sub-Registrar concerned for the left over properties.

16. For the aforesaid purpose, renotify on 25.11.2020.

17. The order be uploaded on the website forthwith.”

4. Ms. Shimpy Arman Sharma, counsel for the Petitioner, submits that the subject property, which came to be listed at Serial No. 15 of the status report dated 9th October, 2020, had in fact been sold prior to the arrest of Respondent No. 4, and was therefore wrongly included in the list of unsold properties.

5. Considering the above, the Court had called for a status report *vide* order dated 7th March, 2023. Pursuant thereto, the Respondent No. 2 has since verified the status of the subject property from the office of the Sub Registrar Mini Secretariat, Tehsil-Nuh, District-Nuh, Haryana, to the following effect:

“From,

The Suh Registrar,
Mini Secretariat, Tehsil-Nuh,
District-Nuh, Haryana

To,

Sh. Inspector Pankaj Kumar,
Section-V EOW,
Mandir Mary Police Station Complex,
Mandir Marg, New Delhi-110001

Subject Investigation into cases vide FIR No. 108/14, 109/14 & 110/14
Registered at P.S. Economic Offences Wing, Crime Branch, Delhi
Police, New Delhi

Reference: Your Office letter Na. 1111/R.ACP/Sec-V/EOW, New Delhi,



Dr. 22/06/2023

Sir,

The information requested by you for the purpose of investigation in the above said matter is as below: -

1- *That as per report submitted by the Patwari Halqa of Village Malab, Tehsil Nuh, Distt. Nah, total land measuring 53 Kanal 13 Marlas in Khewat/Khata No. 60/62 and 713/730 situated in the revenue estate of Village Malab, Tehsil Nuh was purchased by Sanjay Kumar S/o Sh. Daryav Singh S/o Sh. Chaju Ram R/o Gurgaon from Jakir Hussain etc. vide sale deed no. 53 dated 04-04-2007 registered in the office of Sub-Registrar, Nuh and the mutation no. 10068 was entered and sanction in the name of Sanjay Kumar.*

2- *That after purchasing the land Sh. Sanjay Kumar sold Rect No. 84 Killa No. 23(5-10) and 22/2(2-10) total 8 Kanal 0 Marla to Smt. Sunita W/o Sh. Sunil Kumar R/o Faridabad vide sale deed no. 3577 dated 07-12-2015 registered in the office of Sub-Registrar, Nuh and the mutation no. 11430 was entered and sanctioned in the name of Smt. Sunita.*

3- *That Smt. Sunita later on the sold the said land Rect. No. 84 Killa No. 23(5-10) and 22/2(2-10) total 8 Kanal 0 Marla to Sh. Manoj Kumar etc vide sale deed no. 269 dated 28-05-2021 registered in the office of Sub-Registrar, Nuh and the mutation no. 13305 was entered and sanctioned in the names of Sh. Manoj Kumar etc. and at the time of registration of said sale deed there was not any status-quo entered in the land records of the said land.*

4- *That after several days vide Rapat Rojnamcha No. 25 dated 10-09-2021, the status-quo was implemented from the Hon'ble High Court, Delhi.*

This letter in the form of reply is being sent to you for your perusal

Thanking You."

6. In view of the above, it is evident that the subject property stood transferred by way of a registered sale deed as far back as 7th December, 2015, much prior to the filing of the status report. The inclusion of the subject property in the list of unsold properties appears, therefore, to be an inadvertent error.



7. Accordingly, it is clarified that the directions contained in the order dated 12th October, 2020, including any embargo imposed therein, shall have no application to the subject property.
8. With the above clarification, the petition is disposed of.

SANJEEV NARULA, J

SEPTEMBER 23, 2025

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