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

+ **BAIL APPLN. 915/2025 & CRL.M.(BAIL) 477/2025**

AMIT KUMAR KHOKHER

.....Petitioner

Through: Mr. Vikas Yadav and Ms. Upma
Yadav, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP.
SI Ravi Kumar, P.S. Mayapuri.
Mr. Jitendra Singh, Advocate for
complainant.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

08.08.2025

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1. The present application under Section 439 of the Code of Criminal Procedure, 1973¹ seeks grant of regular bail in FIR No. 103/2019, registered at P.S. Mayapuri for the offences under Sections 448/420/468/471/34 of the Indian Penal Code, 1860.²

2. The Prosecution's case, in brief, is as follows:

2.1. The present FIR was registered pursuant to a complaint lodged by Sh. Vijender Kumar Kaushik, alleging that the Applicant, Amit Khokhar, along with his mother Smt. Birmati and wife Smt. Harneet, was residing as a tenant in the Complainant's property located at WZ-186, Gali No. 3 & 4, Lajwanti Garden, Mayapuri, New Delhi. It is alleged that the Applicant fabricated forged electricity bills and other false property-related documents with the intention of unlawfully usurping the said property.

2.2. During the course of investigation, the Applicant's mother and wife

¹ Cr.P.C.

² "IPC"



joined the proceedings. However, the Applicant deliberately evaded the process of law and failed to appear despite repeated notices issued to him. In light of this, Non-Bailable Warrants³ were issued against him by the Trial Court.

2.3. The initial chargesheet was filed on 24th May, 2022. The Applicant was eventually apprehended on 22nd April, 2024, and a supplementary chargesheet was subsequently filed on 21st June, 2024.

2.4. The Applicant has criminal antecedents and is also involved in another case, *i.e.*, FIR No. 102/2023 dated 20th May, 2023, registered under Sections 420/120B/34 IPC at P.S. Mayapuri, indicating a pattern of habitual involvement in offences of a similar nature. In addition, he is also named in FIR No. 157/2019, registered under Sections 302/120B IPC at P.S. Sonapat Sadar, Haryana, which points to his serious and grave criminal background.

2.5. The Applicant's previous bail application filed before the Sessions Court was dismissed *vide* order dated 20th January, 2025.

3. The Applicant's submissions for seeking bail are summarised as follows:

3.1. The Applicant is innocent and has been falsely implicated in the present case. The chargesheets have already been filed, and the Applicant's custodial presence is no longer required for the purposes of investigation.

3.2. The dispute between the parties is essentially of a civil nature. The Complainant had earlier filed a civil suit for permanent injunction against the Applicant, his mother, and his wife, which was dismissed. Subsequently, the Complainant took forcible possession of a portion of the subject property and filed another suit for injunction against the Applicant and his family, which is presently pending adjudication.

³ "NBWs"



3.3. The subject property was purchased by the Applicant's late father from the Complainant. Upon his demise, a relinquishment deed was executed in favour of the Applicant's mother. The said deed is a registered document. It is submitted that any allegation of forgery in respect of such documents is a matter to be adjudicated during trial and does not warrant the Applicant's continued incarceration.

3.4. As regards the other cases referred to by the Prosecution involving the Applicant, it is submitted that he has already been granted bail in those cases.

4. Mr. Mukesh Kumar, APP for the State, and Mr. Jitendra Singh, counsel for the Complainant, oppose the present application. They contend that the Applicant is involved in a serious offence pertaining to forgery of documents, and ought not to be enlarged on bail. It is further submitted that the Complainant has filed a civil suit for declaration and possession, in which an order of stay has been granted in his favour. However, in disregard of the said stay order, the Applicant is alleged to have further alienated the subject property. They further argue that the Applicant is a habitual offender and poses a significant flight risk, particularly in light of the absence of a confirmed permanent address. Moreover, it is submitted that there exists a real and imminent risk of the Applicant attempting to tamper with evidence or influencing witnesses using monetary inducements. Accordingly, it is urged that the present application for bail be rejected.

5. The Court has considered the rival submissions advanced by the parties. The crux of the allegations against the Applicant pertains to the forgery of certain property-related documents, purportedly executed by the Complainant in favour of the Applicant, thereby effecting a transfer of the subject property. However, at this stage, the Court is not to conduct a mini-



trial, nor would it be appropriate to render findings that might prejudice either side. The authenticity and veracity of the purported documents is a matter to be adjudicated during the course of trial, upon evaluation of the evidence led by the parties.

6. As per the Nominal Roll on record, the Applicant has been in judicial custody for a period of 10 months and 21 days as on 28th March, 2025. As on date, his total period of incarceration is nearly 16 months. The investigation in the matter stands concluded and the chargesheets have been duly filed before the competent Court. In view thereof, the continued detention of the Applicant is no longer warranted for the purpose of further investigation or custodial interrogation.

7. Indeed, as pointed out by the Prosecution, the Applicant is implicated in two other criminal cases, namely FIR No. 157/2019, P.S. Sonapat Sadar, Haryana, and FIR No. 102/2023, P.S. Mayapuri. However, it is pertinent to note that he has been admitted to bail in both matters: by the High Court of Punjab and Haryana in FIR No. 157/2019 *vide* order dated 8th January, 2025 passed in CRM-M-63895-2024; and by this Court in FIR No. 102/2023 *vide* order dated 2nd May, 2025 passed in BAIL APPL. 271/2025. Both these cases are currently pending trial.

8. Furthermore, the apprehensions raised by the Prosecution regarding the possibility of the Applicant absconding or tampering with the evidence can be adequately addressed by the imposition of appropriate conditions while releasing him on bail.

9. 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.⁴ Accordingly, in view of the totality of the foregoing facts and circumstances, the Applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹50,000/- with one surety of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. 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;
- c. The Applicant shall, under no circumstance, leave the country without the permission of the Trial Court;
- d. The Applicant shall appear before the Trial Court as and when directed;
- e. 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;
- f. 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.
- g. The Applicant shall report to the concerned PS on the first Friday 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.

⁴ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



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.
13. Pending application also stands disposed of.

SANJEEV NARULA, J

AUGUST 8, 2025/as