$~65

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

\+ BAIL APPLN. 1162/2025 & CRL.M.A. 8903/2025

MR NAVEEN KUMAR SINGHAL .....Petitioner

Through: Mr. Vikas Deep, Advocate.

versus

THE STATE OF NCT OF DELHI .....Respondent

Through: Mr. Manoj Pant, APP for State.

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

O R D E R

% **25.03.2025**

CRL.M.A. 8904/2025 (exemption)

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

BAIL APPLN. 1162/2025

3. By way of the present application, the applicant is seeking grant of anticipatory bail in case arising out of FIR No. 473/2015, registered at Police Station Najafgarh, Delhi, for the offences punishable under Sections 420/467/468/471 of Indian penal Code, 1860 (hereafter *'IPC'*).

4. Briefly stated, facts of the present case are that the Chief Manager, PNB Bank, Najafgarh had lodged the present complaint thereby alleging that M/s. Omiga International through its proprietor had approached and requested the Bank for cash credit limit and initially a limit of Rs.49 lakhs was sanctioned by the Bank, which thereafter was enhanced to Rs.1.49

crores on 10.01.2013 with additional collateral of flat at Narela bearing flat number 90, First floor, Pocket-13, Sector A-5, Narela, Delhi. It was stated that initially, the working capital limit was sanctioned on 06.03.2012 and an account was opened for the said purpose and all KYC norms were duly followed for doing the needful. It is alleged that the present applicant had submitted false and fabricated documents of the aforesaid property which, in fact, was in some other person's name and the applicant had impersonated the name of the original owner and had mortgaged the property with the Bank which never actually belonged to him. It was alleged that the applicant had committed not only cheating but forgery of documents qua the bank and had caused a loss of more than Rs.1.57 crores to the Bank. It was alleged that the limit was granted by the Bank, however, the account was declared as a Non-Performing Asset (NPA) on 30.09.2014. On these allegations, the present FIR was registered on 09.06.2015.

5. The learned counsel for the accused/applicant argues that the applicant has been falsely implicated in the present case and he had joined the investigation since the beginning after receiving notice under Section 41A of the Code of Criminal Procedure, 1973 (hereafter '*Cr.P.C.')* and is duly cooperating with investigating agency. It is further submitted that the applicant herein had offered one time settlement to the Bank and he has discharged his liability and made payment of Rs 70,00,000/- under the said OTS scheme. It is also argued that the applicant herein has handed over all the documents to the Investigating Officer (IO). Therefore, it is prayed that he be granted anticipatory bail.

6. On the other hand, the learned counsel APP on behalf of the State argues that this Court had dismissed the previous anticipatory bail

application of the applicant *vide* detailed order dated 21.03.2024. It is further submitted that the allegations against the present applicant are that he had forged the documents in relation to a property which he had allegedly mortgaged with the Bank for seeking enhancement of the cash credit limit, and thereafter, the account had turned NPA, and these facts were noted by this Court while dismissing the first bail application of the applicant on 04.05.2023. Thus, it is prayed that the present application be rejected.

7. This Court has heard arguments addressed by both the parties and has perused the material placed on record.

8. In the present FIR, this Court had, twice, *vide* order dated 04.05.2023 and 21.03.2024, dismissed the application filed by the applicant seeking pre-arrest bail. This is the third anticipatory bail application preferred by the applicant. Some of the relevant observations of the order dated 04.05.2023 and 21.03.2024 are extracted hereunder for reference:

Order dated 04.05.2023:

> "9. In the present case, the record reveals that the applicant had approached the complainant bank for obtaining loan of Rs.49 lakhs, and after having obtained the same, he had sought enhancement of cash credit limit to Rs.1.49 crores against the additional collateral of a flat in Narela, which was allowed. However, as per the case of prosecution, the account of the applicant had turned NPA, and upon verification, it was found that the aforesaid flat was not owned by the present applicant. As per the status report filed before the learned Trial Court, it was found during investigation that the flat in question was originally allotted to one Sh. Abhay Sood by DDA. Upon further verifying the records, several contradictions were found in the documents pertaining to the property and the documents allegedly reflecting transfer of flat from Sh. Abhay Sood to present applicant were found forged and fabricated. It was also stated that Sh. Abhay Sood, upon joining investigation, had informed the IO that he had never sold the property in question."

Order dated 21.03.2024:

> "9. The I.O. has informed his Court that the applicant had not joined investigation after this Court had dismissed the bail application of the applicant about 10 months back. This Court further notes that upon the applicant's failure to join investigation, NBWs against him were also obtained. However, he could not be arrested and thereafter proceedings under Section 82 of Cr.P.C. were initiated and executed against the present applicant. The case is now listed before the learned Trial Court for recording of statement of process server, who has executed process under Section 82 of Cr.P.C."

9. This Court's attention has been drawn to the fact that the applicant herein has been declared proclaimed offender. In the order dated 21.03.2024 itself, this Court had noted that NBWs had been obtained and proceedings under Section 82 of Cr.P.C. has been initiated against the applicant. For the last two years, the applicant has not joined investigation. Even though the applicant now submits that he has settled the matter with the Bank and discharged his liability under the OTS Scheme, the allegations against him include preparation and furnishing of false and fabricated documents with the Bank for the purpose of enhancement of cash credit limit, and thus, his custodial interrogation would be required. Despite dismissal of previous two anticipatory bail applications, the applicant had not surrendered.

10. Therefore, considering the aforesaid facts and circumstances of the case, this Court finds no ground to grant anticipatory bail to the applicant.

11. Accordingly, the application for grant of anticipatory bail along with pending application stands dismissed.

12. Nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

13. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MARCH 25, 2025/vc

Click here to check corrigendum, if any