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

\+ BAIL APPLN. 1168/2025

BRIJESH BHARDWAJ .....Petitioner

Through: Mr. Chanderkant Tyagi and Mr. Amar Gupta, Adv.

versus

STATE (GOVT. OF NCT OF DELHI) .....Respondent

Through: Mr. Hitesh Vali, APP with SI Mohit Chahar, PS-Vijay Nagar

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

O R D E R

% 29.04.2025

1. This is an application seeking regular bail in case FIR No. 77/2023, under Section 419/420/467/471/34 IPC, PS Vijay Vihar, Delhi.

2. Learned counsel for the petitioner submits that there is no specific allegation against the present petitioner for entrustment of photocopy of the property documents along with Aadhar card, PAN Card, cancelled cheque and as per the prosecution case itself, it was a joint entrustment. Nothing incriminating has been recovered from the possession of the petitioner or at his instance. He himself is the victim of fraud committed by the son of the complainant, as he without any authority, signed agreement to sell with the petitioner and duped him by receiving the part consideration claiming

himself as the owner of the property. He further submits that investigation is complete and charge sheet has been filed. Petitioner has already undergone considerable period in judicial custody. Charge is yet not framed. Prosecution has cited 20 witnesses, and therefore, trial may take long to conclude. It is also submitted that petitioner is having the responsibility of two school going children and has also to pay maintenance to his ex-wife. He is not a previous convict and is having clean antecedents.

3. The application has been opposed by the learned Additional PP, arguing that petitioner played an active role in cheating. He has criminal antecedents. A separate case vide FIR No. 134/2024, under Section 419/420/467/468/471/120-B IPC has been registered against him at PS Vijay Vihar regarding the same *modus operandi* of cheating and forgery. Kamla Devi , who impersonated as Vinoda Devi, also impersonated as Surjani Devi in case FIR No. 134/2024 and obtained the home loan on the basis of forged sale agreement and petitioner is the beneficiary of the cheated amount. He further submits that petitioner is involved in two more cases of cheating i.e., FIR No. 216/2024, under Section 420 IPC, 3 (1) (r) (s) of SC & ST Act, PS Vijay Vihar and FIR No.5/2024, under Section 420/406 IPC, PS South Rohini.

4. As per allegations made in the FIR, complainant Vinoda Devi wanted to sell her property and met petitioner and one Sudhir Khurana through a property dealer named Tarun Singh and the said accused introduced an intended purchaser Om Prakash and a Bayana Agreement was executed on 20.06.2022 with total sale consideration being at Rs. 68 lakhs, out of which, Om Prakash paid Rs. 5,50,000/- as earnest money and the balance sale consideration of Rs. 62,50,000/- was to be paid on or before 07.10.2022.

Complainant gave photocopies of the property documents along with Aadhar Card, PAN Card and cancelled cheque to the accused persons.

5. On 07.10.2022, complainant visited the office of Sub Registrar but Om Prakash did not come. Later, she came to know that loan against the second floor with roof right of her property has been sanctioned by Hinduja Housing Finance Bank in the name of Abhijeet Dutta Chaudhary and the installments were not paid. Complainant had never applied for the loan. She also came to know that a fake account was opened with YES Bank, Paschim Vihar in her name and using her PAN Card, which were given to the accused persons and a loan of Rs. 27,14,790/- was obtained against the property of the complainant in the name of Abhijeet Dutta Chaudhary on the basis of forged sale agreement.

6. The son of the complainant then entered into an agreement with the petitioner on 29.10.2022. Petitioner assured that he will pay the balance sale consideration to the complainant on or before 20.11.2022. Petitioner even paid a sum of Rs. 19 lakhs and agreed to pay the remaining amount of Rs. 43,50,000/- on or before 20.11.2022.

7. During investigation, the bank statement of the alleged fake bank account of Vinoda Devi was analyzed and the same revealed that an amount of Rs. 20,40,000/- was transferred from the alleged fake bank account of Vinoda Devi to the account of a firm namely Kalakriti Inc. The beneficiary of the firm Kalakriti Inc. namely Ankit Goel, upon interrogation, stated that petitioner purchased some goods from him and paid Rs. 20,40,000/-. The lady, who impersonated as complainant Vinoda Devi, was traced and interrogated. The investigation revealed that the lady, who impersonated as Vinoda Devi, was brought by the petitioner through his references.

8. It is apparent from the status report that petitioner had purchased the goods worth Rs. 20,40,000/- from the beneficiary of M/s. Kalakriti Inc. It is also evident that petitioner paid a sum of Rs. 19 lakhs to the complainant.

9. All other co-accused have since been enlarged on bail. Petitioner has been in custody since 09.09.2024. Investigation is complete and charge sheet has already been filed. Trial may take long time to conclude. The evidence is essentially documentary in nature, and therefore, there is no possibility of tampering with the evidence.

10. Hence, keeping in view the entire facts and circumstances of the case and in the light of submissions made, the bail application is allowed and petitioner Brijesh Bhardwaj is admitted to bail on his furnishing a personal bond in the sum of Rs. 30,000/- with a surety of the like amount to the satisfaction of learned trial court/Duty Magistrate, subject to condition that petitioner shall appear regularly before the trial court; shall not tamper with the evidence and shall not try to threaten or intimidate the witnesses.

RAVINDER DUDEJA, J.

APRIL 29, 2025

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