



\$~68

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

+ **BAIL APPLN. 1320/2025**

PANKAJ SHARMA

.....Petitioner

Through: Mr. Anil Basoya and Mr. Aakash
Gahlot, Advocates.

versus

STATE GNCT OF DELHI & ORS.

.....Respondents

Through: Mr. Manoj Pant, APP for State along
with Mr. Saransh Singhal, Advocate.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

04.04.2025

%

CRL.M.A. 10286/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

BAIL APPLN. 1320/2025

3. By way of the present application, the applicant is seeking grant of anticipatory bail, in case arising out of FIR bearing no. 0381/2024, registered at Police Station Safdarjung Enclave, for commission of offences punishable under Sections 467/468/471/120B of Indian Penal Code. 1860 (hereafter 'IPC').

4. Briefly stated, facts of the present case are that the present FIR had been registered on the basis of a complaint given by complainant Sh. Pawan Garg, who had stated that an agreement had been executed on 14.07.2006,



for the sale of land measuring 14,770 sq. yards at Haibowal Khurd, Ludhiana, for a consideration of Rs. 12 Crores. Under this agreement, the accused Arvinder Singh had received Rs. 1.1 Crores, with the execution of sale deeds kept pending a decision by the Hon'ble Supreme Court in an SLP dated 07.01.2009. However, the accused had failed to comply with the terms of the agreement, prompting the complainant to file a civil suit, which had resulted in an injunction restraining the accused from carrying out any further dealings with the said property. The complainant had further contended that accused Balwinder Singh, in collusion with the present applicant/ accused Pankaj Sharma, had forged documents relating to the said property transaction. Balwinder Singh had filed a false complaint in 2016, alleging the existence of an alternative agreement for Rs. 2.5 Crores, supported by a purported board resolution dated 25.10.2011, allegedly signed by Pawan Garg, his son Abhinav, and his wife Namrata. He had also claimed that the present applicant/ accused Pankaj Sharma, acting as an authorized manager of the complainant's company, had facilitated the sale by receiving funds on behalf of the company. The complainant had disputed these allegations, asserting that the present applicant/ accused Pankaj Sharma had never been employed by or associated with the company, and that no such board resolution had ever existed. The authentic letterheads and signatures of the complainant's authorized representatives had been obtained to support this claim. The complainant had further alleged that Balwinder Singh had filed a complaint against him in Ludhiana, and that certain documents executed between the applicant, Balwinder Singh, and Arvinder Singh had been annexed with the said complaint, showing that Pankaj Sharma had been falsely projected as having been authorized by the



complainant to enter into an agreement to sell the property in question to a third party.

5. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and that the FIR has been registered after an inordinate delay of approximately thirteen years, which casts serious doubt on its authenticity and veracity. It is further contended that there is no material on record establishing any nexus between the applicant and the alleged offences. The applicant has neither worked for the complainant nor had any involvement, direct or indirect, in the sale or purchase of the disputed property. It is further submitted that the Investigating Officer has made incorrect statements regarding the applicant's non-cooperation in the investigation. In fact, the applicant had appeared for investigation on 06.03.2025 and again on 20.03.2025, but on both occasions, the Investigating Officer was not present, and the office premises were found to be closed. In view of the above facts and circumstances, it is respectfully submitted that the applicant deserves the relief of anticipatory bail.

6. The learned APP for the State, on the other hand, strongly opposes the present application, submitting that the applicant is the prime accused in the present case, having allegedly forged documents with the intent to sell the disputed land. It is further submitted that the applicant has not been cooperating with the investigation and has been willfully evading the process of law, despite the service of multiple notices issued by the learned Trial Court. It is contended that the applicant is specifically named in the FIR and that the remaining co-accused are yet to be arrested and/or interrogated, as they too have not joined the investigation. The State



apprehends that if anticipatory bail is granted, the applicant may further evade the investigation, thereby obstructing the discovery of material facts relevant to the case. In light of the above, it is respectfully submitted that the present application be dismissed.

7. This Court has **heard** arguments addressed on behalf of both the parties and has perused the material available on record.

8. Allegations against the present applicant, in brief, are that he, in collusion with co-accused Balwinder Singh, had forged documents related to a property transaction involving land at Haibowal Khurd, Ludhiana. It is alleged that he had falsely projected himself as the authorized manager of the complainant's company and facilitated the purported sale of the said property by receiving funds on the company's behalf. A forged board resolution dated 25.10.2011 was allegedly used to support these claims. The complainant has denied any association of the applicant with the company and asserted that the documents relied upon are fabricated.

9. This Court notes that the complainant has specifically alleged that co-accused Balwinder Singh, in collusion with the present applicant/accused Pankaj Sharma, forged documents pertaining to a property transaction. It has been further alleged that in 2016, co-accused Balwinder Singh had filed a false complaint based on an alternative agreement valued at Rs. 2.5 Crores, purportedly supported by a forged board resolution dated 25.10.2011, allegedly created by the present applicant/accused. The investigation had further revealed that the present applicant/accused had no association with the complainant's company and that no such board resolution had existed. During the course of investigation, it was revealed that forged letterheads and signatures of the complainant's company had been fabricated by the



present applicant/accused. It also emerged during investigation that the complainant's company had already changed its name to Curo India Pvt. Limited on 28.12.2010, well before the purported date of the forged documents. Further, during investigation, attempts were made by the police officials to trace Pankaj Sharma at a Delhi address; however, he was reportedly abroad at that time, and the attesting witnesses to the forged memorandum were found to be untraceable.

10. This Court notes that the material placed on record *prima facie* discloses the involvement of the present applicant/accused in the alleged offences. The allegations against the applicant are serious in nature, involving the forgery of documents and misrepresentation as an authorized signatory of the complainant's company to facilitate an unlawful property transaction of substantial value. A bare perusal of the record reveals that the present applicant/accused is allegedly the maker of forged documents used in the disputed property transaction.

11. The involvement of the applicant, *prima-facie*, appears to be intricately linked with the acts of other co-accused, and the full extent of this alleged conspiracy remains to be unearthed. The uncovering of the applicant's nexus with the other accused persons is crucial to arriving at the truth, and such facts can only be brought to light through a fair and unhindered investigation, which may require custodial interrogation of the present applicant.

12. Additionally, it is also apparent from the record that the applicant has not been cooperating with the investigation. The applicant has failed to join the investigation despite being granted multiple opportunities by the learned Trial Court.



13. Considering the overall facts and circumstances, and that the material placed on record *prima facie* discloses the involvement of the present applicant/accused in the alleged offence, the investigation is at a nascent stage and requires scrutiny of the applicant's role, and that the applicant has not cooperated with the investigating agency, this Court does not find it a fit case for the grant of anticipatory bail.

14. Accordingly, the present application for anticipatory bail stands dismissed.

15. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

16. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 04, 2025/vc

Click here to check corrigendum, if any