



\$~9 & 10

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

+ BAIL APPLN. 1457/2025 & CRL.M.A. 11466/2025

BHAVNEET SINGH

.....Petitioner

Through: Mr. Anant Misra, Mr. Hritvik Verma,
Ms. Devika Gaur and Mr. Rakshit
Munjal, Advocates.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for the State
with SI Tayender Gulia P.S.
Safdarjung Enclave.
Mr. Sachin Kumar, Advocate for
Complainant.

10

+ BAIL APPLN. 1467/2025 & CRL.M.A. 11534/2025

JASVINDER SINGH

.....Petitioner

Through: Mr. Anant Misra, Mr. Hritvik Verma,
Ms. Devika Gaur and Mr. Rakshit
Munjal, Advocates.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for the State
with SI Tayender Gulia P.S.
Safdarjung Enclave.
Mr. Sachin Kumar, Advocate for
Complainant.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

27.05.2025

%

1. The above two Petitions have been filed on behalf of the Petitioners Bhavneet Singh and Jasvinder Singh under Section 482 read with Section 528 BNSS seeking Anticipatory Bail in case FIR No.105/2025 dated



23.02.205 under Section 110/3(5) of BNS, 2023 registered at Police Station Safdarjung Enclave.

2. It is submitted in the two Petitions that the Bail Application preferred before the learned ASJ has been dismissed on 29.03.2025.

3. It is submitted that the **Applicant Bhavneet Singh** is aged 28 years and is a peaceful citizen. The Applicant Bhavneet Singh was earlier employed with American Express Business Solutions (India) Pvt. Ltd. from where he resigned on 03.06.2024 and since then preparing for his Chartered Accountancy examination. He cleared his Intermediate Examination in January, 2025 and is now studying further for the final examination.

4. The Applicant's brother Jaskaran Singh is engaged in the business of property dealing and hardly manages to bear his own expenses. His younger brother Akash Singh is currently a final year student of graduation from University of Delhi and is employed at WIPRO to manage his daily expenses. His youngest brother Dhananjay Singh is pursuing his first year LL.B at Asian Law College.

5. The **Applicant Jasvinder Singh** is aged 60 years and is engaged in property dealing work on small scale. The applicant has deep roots in the society and is leading a peaceful life. The applicant is the main earner of his family comprising of his wife and four sons.

6. It is submitted that as per the Complaint on which the FIR is registered, the Complainant Gyan Chand s/o Ram Swarup, aged about 60 years has been resident of village Amarpur, Greater Noida, where he along with his family is residing and engaged in agricultural activities. He has claimed that a Dairy Shop was being run from the suit premises which had been closed for quite some time. On 21.02.2025 at around 12:30 P.M, the



Complainant along with his son Kapil, his Samdhi Narveer and his son-in-law Manoj had gone to the aforesaid shop to store some goods. While the Complainant's son was unlocking the shop, the Applicant Jasvinder Singh who resides in the house above their shop along with his three sons, had violently attacked on them. Jaskaran, son of Jasvinder Singh grabbed Kapil by the neck and attacked on his head with a stone. Akash brought a sword from his house and shouted '*I will cut you all*' and attacked the Complainant with the sword. To protect himself, he put his hand forward and suffered an injury. The three sons and the Applicant pelted stones on the Complainant and his associates. They somehow managed to save their lives and escape, after which they were taken to Police Station Safdarjung and their medical examination was conducted. The FIR was consequently registered.

7. It is asserted that the Applicants have been implicated falsely in the present FIR, despite being the aggrieved persons. The Complainant was coerced by the Police officials of Safdarjung Enclave Police Station to hand over the possession of his shop to the Complainant.

8. It is submitted that the said Shop was originally purchased by the Applicant's father Late Sh. Bachan Singh on 22.05.1968 on the basis of Agreement to Sell. Shri Bachan Singh died on 17.12.1994 leaving behind five children i.e. three sons including Applicant Jasvinder Singh, Surender Singh and Balvinder Singh and two daughters Paramjeet Kaur and Darshana.

9. It is further submitted that after the demise of Shri Bachan Singh, mutual understanding reached amongst all the legal heirs. It was orally agreed between them that the property would be divided between Surender Singh and Jasvinder Singh. As per the oral family arrangement, 90 square



yds were to be allotted to Surender Singh and 65 sq. yards to the Jasvinder Singh. The larger share was given to Surender Singh since he was willing to take full responsibility for the care and maintenance of Balvinder Singh, the unmarried brother.

10. Till, 2001, the Applicant along with his family resided at Malviya Nagar, Delhi. Thereafter, from 2011 till December, 2014 the applicant along with his family shifted to DDA Flats, Madangir, New Delhi. The Applicant Jasvinder Singh out of love and affection, allowed his elder brother Late Surender Singh to let out the shop situated at the Ground Floor, even though it rightfully belonged to him. He also allowed Surender Singh to collect the rent from the said shop and utilize the same for the benefit of his family.

11. The Applicant Jasvinder Singh had made this arrangement out of love and affection and to support to his brothers. In the year 2015, the Applicant and his family shifted to the aforesaid property after the completion of construction work on 1st, 2nd and 3rd floor.

12. In the year 1998, Shri Surender Singh had let out the shop to the Complainant Gyan Chand for running milk dairy business under the name of M/s Nagar Dairy. On 25.10.2006, Shri Surender Singh died after which his wife started collecting the rent of the aforesaid shop. However, she ceased to take care of Shri Balvinder Singh for which the responsibility was taken over by the Applicant Jasvinder Singh. After the demise of Shri Surender Singh, his wife along with her children sold their share of 90 sq. yds and left the area.

13. In the year 2008, the shop was sealed by MCD as part of the sealing drive. The Complainant then collected his belonging and vacated the



premises.

14. On 23.01.2009, Jasvinder Singh submitted a request for de-sealing of the property which was eventually allowed and the de-sealing of the property was done on 20.03.2009. Thereafter, he put his locks on the shop.

15. On 15.04.2009 Shri Gyan Chand, the Complainant, again tried to put his own locks on the shop. The matter was reported to the Police and the Complaint was lodged with MCD as well as SHO, P.S. Sarojini Nagar on 16.04.2009. From 2009 to 2012, the shop remained closed.

16. The property was mutated in the name of Applicant Jasvinder Singh on 25.05.2012. From 2012 to 2015 Balvinder Singh operated a tea stall from the premises with the consent of Jasvinder Singh. From 2015 till January, 2025 he was running a Tailoring shop from the same shop. On 01.01.2025, Shri Balvinder Singh passed away.

17. It is claimed by the Applicant that the possession of the shop continuously remained with him without interruption till date. The most recent Electricity Bill dated March, 2025 is in the name of the Applicant Jasvinder Singh which corroborates the uninterrupted possession and lawful occupation of the premises.

18. On 20.01.2025, Jasvinder Singh received a phone call from Head Constable Rajender from Police Station Safdarjung Enclave informing him that the Complainant Gyan Chand was claiming ownership over the shop and intended to place his locks on the premises on the same day. He informed that he was the rightful owner of the shop and that he was travelling out of Delhi at that time and would visit the Police Station, on his return. However, in the absence of the Applicant and his family members, the Complainant in collusion with Head Constable Rajinder tried to forcibly



take the possession by putting his own locks. The Applicant returned on 25.01.2025 and went to the Police Station on 26.01.2025. On 27.01.2025 the Applicant Jasvinder Singh again visited the Police Station and gave a written Complaint.

19. On 17.02.2025, the I.O. Rishi called the Applicant Jasvinder Singh to Police Station, where he produced all the documents pertaining to the ownership of the suit shop. However, shockingly just a day after lodging the Complaint, the Applicant Jasvinder Singh observed that one lock had been illegally affixed by the Complainant on the shutter of the shop.

20. On 21.02.2025 at around 12:30 P.M, Jasvinder Singh while leaving his residence noticed that the Complainant along with his son and 11-12 unknown persons were forcibly trying to take the possession of the shop. The Applicants along with their family members, tried to prevent the forcible taking of possession. A PCR call was attempted to be made, but could not be connected. Eventually, a PCR call was made.

21. It is claimed that the Complainant and his associated physically assaulted the Applicants and their family members and left the place of incident. The medical examination of the injured was conducted in the hospital.

22. The FIR has been registered after a delay of two days and the medical examination has also been done on 26.02.2025 i.e. after a delay of almost five days. The CCTV footage clearly shows that the Applicants neither attacked the Complainant nor his associates in any manner.

23. It is submitted that the Applicants have been falsely implicated in this case which is also corroborated by the CCTV footage. Hence, the Anticipatory Bail is sought.



24. The **Status Report** has been filed on behalf of the State, wherein it is submitted that during the investigations the injured as well as the Applicants were examined. CCTV camera footage was taken from CPWD, wherein most of the incident was captured. As per the CCTV footage, the accused persons are seen fighting with the Complainant and pelting stones. One of the co-accused Akash Singh came to the spot with the sword. It is seen that one co-accused Jaskaran Singh hit the person on his head with a stone while others were fighting.

25. The Applicants have joined investigations on 06.05.2025. They disclosed that Akash Singh had come to the spot with a *Kripan* which had already been recovered from the place of occurrence behind the Refrigerator outside the disputed shop on 14.05.2025.

26. The bail is opposed on the ground that the allegations are vague and serious. There is high probability of accused/applicant's threatening the Complainant/victim that the Applicants may commit the offence of same nature or may jump the bail.

27. The **learned counsel for the Complainant** has also opposed the Bail on the ground that they were the owners of the property and throughout in possession for which they have the Agreement to Sell as well the Electricity Bill of 2004 to support their possession. It is submitted that in fact the Applicants' were the aggressors, who had assaulted the Complainants and the associates. It is further submitted that though the premises was sealed by the MCD, but after the de-sealing, the possession had been handed over to the Complainant, who has all throughout been in the continuous possession. The Bail is opposed on behalf of the Complainant.

28. **Submissions heard and record perused.**



29. Prima facie, it is reflected that the dispute inter-se the parties is in regard to the ownership/possession of the shop. Admittedly, a fight had taken place in which both the parties were involved. Considering the role of the two Applicants and also that no custodial interrogation is sought, it is directed that in the event of his arrest, the petitioners be admitted to bail by the Investigating Officer/Arresting Officer subject to the following conditions:

- (i) The petitioners shall furnish a personal bond in the sum of Rs.35,000/- with one surety each in the like amount to the satisfaction of the Investigating Officer/Arresting Officer;
- (ii) The petitioners shall furnish her cellphone number to the Investigating Officer on which she may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- (iii) If the petitioners have a passport, they shall surrender the same to the Investigating Officer and shall not travel out of the country without prior permission of the Trial Court;
- (iv) The petitioners shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.

30. The two Petitions are accordingly disposed of.

NEENA BANSAL KRISHNA, J

MAY 27, 2025

va