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

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+ **BAIL APPLN. 1746/2024**

SATISH CHANDER

.....Petitioner

Through: Mr. Mohit Mathur, Sr. Adv. with Mr.
Saurabh Kumar Singh, Mr. Gaurav
Bishnoi, Mr. Harsh Gautam & Mr.
Vignesh, Advs.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Priyanka Dalal, APP for the
State.
SI Arun, DIU, Rohini.
Mr. Akash Krishna, Adv. for
complainant.

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+ **BAIL APPLN. 1226/2025**

KULBIR SINGH

.....Petitioner

Through: Mr. Vikas Yadav, Ms. Upma Yadav
& Mr. Harsh Yadav, Advs.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for the
State.
SI Arun, DIU, Rohini.
Mr. Akash Krishna, Adv. for
complainant.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

06.05.2025

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1. This hearing has been done through hybrid mode.
2. The present applications under Section 438 of the Cr.P.C. (Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seek anticipatory bail in case FIR No. 81/2021 under Sections 420/467/468/471/34 of the IPC, registered at P.S. Kanjhawala.
3. These two applications seek anticipatory bail in the same FIR and being disposed of *vide* this common order. For the sake of reference, the applicant- Satish Chander in **BAIL APPLN. 1746/2024** is referred to as applicant no.1 and the applicant- Kulbir Singh in **BAIL APPLN. 1226/2025** is referred to as applicant no.2.
4. The case of the prosecution as per the status report dated 22.07.2024, authored by ACP/DIU/RD in **BAIL APPLN. 1746/2024** is as under:-

- “1. Complainant stated that he is lawful owner and in possession of 1/24 share of agricultural land out of total land i.e 87 Beeghas 9 Biswas situated in Village-Karala Delhi, by virtue of Deed of Khatoni and that 1/24 share in that land inherited by his deceased father.
2. That complainant came to know that some unknown person was raising illegal construction in his share of aforesaid land and when he visited the site, he came to know that accused Ravinder Singh alongwith his associates have been illegally selling the said land by plotting the same to different persons, by representing themselves to be the owner and in possession of entire land.
3. That those person are selling the said land by illegal grabbing the share as well as of other holders despite fully knowing that the same is a joint agricultural land of “KHATA SAMLAT” which cannot be divided in small plots without demarcation by the Halqua Patwari.
4. That complainant immediately tried to contact the persons but firstly they deliberately avoided to meet on one pretext or the other and finally when they met then they threatened to complainant to face the dire Consequences.
5. It is further submitted that the complainant did enquiry and it came to know that the accused persons prepared a False/forged chain of title deed (Mukhtiyarnama Aam prepared in 1991) in respect of said land and on that Mukhtiyarnama Aam there is one person’s Signature



namely Ramesh Chander who already died in year 1988. Hence above mentioned case was registered in ws 420/468/471/34 IPC in Police Station Kanjhawala and investigation taken up.

6. During the course of investigation the original Mukhtiyarnama Aam was seized which was executed/allegedly by Baldev Singh, Dharammpal, Rajpal, Satpal, virender Singh, Satish Chander, Jitender Singh, Ravinder Singh, Ramesh Chander (died in 6/10/1988) Saroj, Lakshmi and Kamla in Favour of Kulbir Singh s/o Karan Singh r/o Village Karala Delhi. After that another notarized Mukhtiyarnama (Power of attorney) dt 9/11/1993 was further executed by Kulbir Singh in favour of his younger brother Ravinder Singh.

7. That the said Mukhtiyarnama Aam found got registered at SDM/Tehsildar Tehsil Radaur, Yamunanagar Haryana. The Certified copy of said Mukhtiyarnama obtained.

8. The Death certificate of Ramesh Chander obtained and same has been verified from South Delhi Municipal Corporation Najafgarh Delhi.

9. That Notice w/s 41.1 CrPC served to accused persons for joining investigation, and after interrogation they bound down and discharge from interrogation.

10. That the Specimen signature of accused Ravinder, Virender, Satpal, Satish Chander, Ajay Kumar and Jitendra obtained by the I.O of Police Station Kanjhawala, sent to FSL, in reply FSL asked to provide admitted signature as well as extensive writings having similar letters & combinations of contemporary period (1985-1995).

11. On dated 30/1/2024, the case file received in DIU/Rohini Distt and same marked to SI Sunil for further investigation. SI Sunil added section 467 IPC into the above mentioned case.

12. SI Sunil served Notice w/s 91 CrPC to accused Ravinder Singh for providing the notarized Mukhtiyarnama dt 9/11/93 and details of selling plots and other documents, but till date the original was not produced by them.

13. That on 12/3/24, Ajay Kumar and Aadesh Kumar both s/o Lt. Ramesh Chander Joined investigation and Ajay Kumar clearly refused to have signature on said Mukhtiyarnama dt. 22/3/1991 and stated that his father Ramesh Chander expired in 1988, prior to execution of Mukhtiyarnama, so his signature and his father's signature is forged. Further Kamla and Saroj also denied to have signature on said Mukhtiyarnama.

14. On 13/3/24 accused Ravinder Singh joined investigation but he didn't provide original notarized Mukhtiyarnama dt 9/11/93, which was executed by Kulbir in favour of Ravinder Singh, and details of selling



plots, so accused Ravinder Singh arrested in the present case and produced before the concern Hon'ble Court and one day PC remand of accused Ravinder Singh obtained and pointing out memo was prepared where accused Ravinder sign on the said Mukhtiyarnama.

15. On 14/3/24, son of Kulbir Singh gave reply of notice w/s 91 CrPC, in which he said that no Mukhtiyarnama was executed by Kulbir Singh in favour of accused Ravinder Singh.

16. Notice U/S 41.1 Served to accused Satish Chandra and he moved anticipatory bail on 27/4/2024

17. On dt. 3/05/2024, the complainant told that some unknown persons came on bike and pushed the complaint and threat to him for taking back the case or face dire consequences. The complainant gave a complaint regarding the incident at P.S Aman Vihar Delhi. During that period the Anticipatory Bail of accused/petitioner Satish Chander was pending before the Hon'ble Rohini Court and the same was rejected on 7/5/24 by the Hon'ble Court of Sh. Virender Singh, Id ASJ Rohini Court.

18. On dt. 15/5/24 NBW of accused Satish Chandra Obtained from the Hon'ble Rohini Court. thereafter he moved an Anticipatory Bail before the Hon'ble High Court, after that he joined investigation, during interrogation he didn't co-operate as earlier during interrogation he told that he was present when the Stamp Paper got registered at Radaur Yamuna Nagar HR, now he is telling he has not gone there."

5. Subsequently, *vide* the status report dated 05.09.2024 authored by ACP/DIU/RD in **BAIL APPLN. 1746/2024**, the FSL report in the present FIR has been placed on record wherein it is stated as under:-

"1. In continuation of previous Status Report, it is further submitted that into above mentioned case, the FSL opinion sought regarding signature made by the accused/Petitioner Satish Chander on the Stamp Paper and the forged signature of deceased Ramesh Chander (expired in 1988, prior to execution of Mukhtiyarnama), **"Whether the word 'Chander'" in Red enclosed portions marked Q17 to Q19 is same as written by one person as word 'Chander' in Red enclosed portion marked Q1 to Q3.**

2. That the opinion received from the FSL Rohini Delhi by mentioning "On Inter-se comparison of word Chander in red enclosed questioned signature stamped & marked Q1 to Q3 and Q17 to Q19 reveals similarities in formation of characters and their parts such as "- manner



of formation of letter 'C', in ward curved commencement forming bold body curve, nature & direction of its finish connected to the next letter h', nature of commencement with descending vertical staff, nature of bend at its foot to form angular body shoulder along with an apex nature of its curved finish connected to the next letter 'a', manner of formation of letter 'a', nature of commencement forming eyelet in anti clockwise manner, nature of its body oval bifurcating to its finish further connected to the next letter, manner of formation of letter 'n', nature of commencement forming its angular body shoulder along with an apex, nature & direction of its finish connected to the next letter 'd', manner of execution of letter 'd', nature of commencement forming oval body in anti clockwise manner extending upward forming elongated loop with downward finish connected to next letter, manner of formatin of character appearing as simplified curved connected stroke, nature of its finish are similiary observed among the word 'Chander' in red enclosed questioned signatures stamped & marked Q1 to Q3 and Q17 to Q19. As such, above said observation indicate that **the red enclosed questioned signatures stamped and marked Q1 to 03 & Q17 to Q19 all have been written by the one and the same person.**

3. As per the FSL opinion, accused/Petitioner Satish Chander made the signature of deceased Ramesh Chander.

4. Reply from the Tehsildar Radaur, Yamuna Nagar HR, in which they told that, in their Tehsil, only that land can be sale purchase, which falls in the jurisdiction of their Tehsil and the Questioned land situated in Karala Delhi, they also told that the GPA Holder should be present during the registration of GPA. But the accused/Petitioner during the interrogation, told that he never visited at office of Tehsildar Radaur Yamuna Nagar H.R.

5. That on 12/3/24, Ajay Kumar and Aadesh Kumar both s/o Lt. Ramesh Chander Joined investigation and Ajay Kumar clearly refused to have signature on said Mukhtiyarnama dt. 22/3/1991 and stated that his father Ramesh Chander expired in 1988, prior to execution of Mukhtiyarnama, so his signature and his father's signature is forged. Further Kamla and Saroj also denied to have signature on said Mukhtiyarnama.

6. On 14/3/24, Kulbir Singh gave reply of notice u/s 91 CrPC, in which he said that neither Mukhtiyarnama (22/3/1991) was executed in favour of him nor he (Kulbir Singh) executed in favour of accused Ravinder Singh.”

6. Learned Senior Counsel appearing on behalf of applicant no.1 submits



that the land initially belonged to one Kartar Singh, who had 4 sons namely Vijay Singh, Baldeo Singh, Balbir Singh and Karan Singh. It is submitted that the complainant is the grandson of Balbir Singh and the present applicants are the sons of Karan Singh *i.e.*, uncle of the complainant. It is submitted that the entire land was divided between the brothers by way of a *Mukhtiyarnama* dated 22.03.1991. It is submitted that in pursuance of the said *Mukhtiyarnama*, the land was divided between the brothers. It is submitted that the land on which the complainant says that the illegal construction was happening before registration of the FIR has a residential colony named Baldev Vihar. The said colony has been established by way of a society in the name of Baldev Vihar Samaj Uthan Smiti, which was registered under the Societies Registration Act, 1860 on 17.07.2003. It is pointed out that the said residential colony had since been in existence since 1991.

7. It is submitted that the present complainant-Jaideep Mathur knew about the understanding and the fact that the property had been divided between the brothers in 1991 and the present complaint has been filed to extort further money out of the settlement. It is further submitted that the brother of the complainant, namely, Pradeep Mathur is also supporting the *Mukhtiyarnama*. It is further submitted that the FSL report, which has been placed on record shows the similarity of the word- 'Chander', to which there is a reasonable explanation that the present applicant also has 'Chander' in his name. It is further submitted that at the time of the family settlement, the property was divided with the understanding of all the brothers and no extra advantage has been derived by the present applicant no.1. It is further submitted that applicant no.1 is aged about 70 years and has been joining investigation as and when directed by the Investigating Officer and no useful purpose would



be served by sending him in judicial custody.

8. Learned counsel appearing on behalf of the applicant no.2, in addition to the submissions made by learned Senior Counsel appearing on behalf of applicant no.1 submits that the allegations made *qua* him is with respect to the *Mukhtiyarnama* dated 09.11.1993, which was allegedly executed by him in favour of his brother Ravinder Singh. Learned counsel appearing on behalf of applicant no.2 submits that the applicant no.2 has denied his signatures on the said *Mukhtiyarnama* dated 09.11.1993, which was allegedly given to his brother Ravinder Singh. It is submitted that the said brother of applicant no.2 *i.e.*, Ravinder Singh has since been arrested and has been given regular bail from the concerned Court. It is further submitted that applicant no.2 has also joined investigation as and when directed by the Investigating Officer, and, therefore, no useful purpose would be served by sending him in judicial custody.

9. *Per contra*, learned APP for the State assisted by learned counsel appearing on behalf the complainant submits that the *Mukhtiyarnama* dated 22.03.1991 is, on the face of it forged, as the signatures of the deceased Ramesh Chander appeared on the same when admittedly he had passed away in 1988. The FSL report placed on record also reflects that applicant no.1 is instrumental in forging the signatures of aforesaid Ramesh Chander. It is further submitted that the other signatories of the *Mukhtiyarnama* have also denied their signatures, who are paternal aunts of the complainant. It is further submitted that Ajay Kumar, son of Ramesh Chander, has also denied the signatures of his father and his signatures on the *Mukhtiyarnama*. It is further submitted that *Mukhtiyarnama* which was executed, was registered in Haryana, however, the property was in Delhi. It is further submitted that the



second *Mukhtiyarnama* dated 09.11.1993 is also forged inasmuch as the person notarizing the said agreement does not exist.

10. Heard learned counsel for the parties and perused the records.

11. It is a matter of record that the dispute in the present case is with regard to the *Mukhtiyarnama* dated 22.03.1991. It is pertinent to note that apart from Ramesh Chander, who was stated to be deceased at the time when the *Mukhtiyarnama* was executed, there are other signatories to the same and the statements of such persons have been recorded by the police. It is noted that the son of Ramesh Chander, i.e., Ajay Kumar had initially given his written submissions on 16.12.2021 saying that he had appended his signatures on the said *Mukhtiyarnama*. Subsequently, *vide* statement dated 12.03.2024, he has now stated that his signatures as well as signatures of his father are forged on the said *Mukhtiyarnama*. Similarly, the paternal aunts of the complainant, namely, Saroj and Kamla Devi initially in their submissions dated 15.12.2022 had stated that they had appended their signatures on the *Mukhtiyarnama*, however, later on in their written submission dated 22.04.2024, they have denied their signatures on the said document. However, Ravinder Singh, Virender Singh, Jitender Kumar, Rajpal Singh and Satpal Singh, who are the uncles of the complainant have admitted their signatures on the *Mukhtiyarnama*.

12. On a pointed query from the Investigating Officer, it is stated that the land in question is inhabited presently as a colony by the name of Baldev Vihar. It is also not in dispute that the present applicants have joined the investigation as and when directed by the Investigating Officer. As per the prosecution, applicant no.2 has not handed over the original *Mukhtiyarnama* dated 09.11.1993. It is pertinent to note that the said *Mukhtiyarnama* was in



favour of the accused Ravinder Singh, who was arrested and his PC remand was taken, however, the document was not recovered. The applicant no.2 is ready and willing to give his specimen signatures as and when asked by the Investigating Officer for its comparison on the said *Mukhtiyarnama*. So far as the FSL report is concerned, in view of the other statements made by the signatories on the *Mukhtiyarnama* and the fact that the property had been divided between the brothers at the relevant point of time, the same would be a matter of trial. The existence of the said document was in the knowledge of all the family members as pointed out above since 1991. The evidence in the present case is documentary in nature and no purpose would be served by sending the applicants in judicial custody at this stage.

13. In view of the above, the present applications are allowed. In the event of arrest, the applicants are directed to be released on bail on their furnishing personal bond of Rs. 25,000/- each with one surety of like amount to the satisfaction of the Investigating Officer/Arresting Officer, further subject to following conditions:

- i. The applicants shall not leave the country without prior permission of the learned Trial Court.
- ii. The applicants shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicants shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The applicants shall join the investigation as and when called by the Investigating Officer concerned.
- v. The applicants will not try to influence the witnesses in any



manner.

vi. The applicants shall provide their mobile numbers to the Investigating Officer and intimate about any change.

14. The applications are allowed and disposed of accordingly.

15. Pending application(s), if any, also stand disposed of.

16. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail applications.

17. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MAY 6, 2025/nk/sc

Click here to check corrigendum, if any