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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 30th October, 2025***+ **BAIL APPLN. 2043/2025**ZIYAUDDIN
S/o Nazimuddin

.....Petitioner

Through: Mr. Kumar Jha, Mr. Nitin Bansal and
Ms. Mahima Chaudhary, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Manjeet Arya, APP for the State
with SI Dilsukh, PS KNK Marg,
Rohini.**CORAM:****HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****J U D G M E N T (oral)**

1. Second Application under Section 438 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.PC'*)/Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) has been filed on behalf of the Petitioner, Ziyauddin, for grant of Anticipatory Bail in FIR No. 253/2024 dated 19.07.2024 under Section 380/420/448/467/468/471/120B of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) registered at Police Station K.N. Katju Marg.

2. It is submitted that the two Anticipatory Bail Applications filed by the Applicant, were dismissed by the learned Sessions Court on 10.09.2024 and 13.02.2025 respectively. He had filed Bail Application No. 930/2025 for grant of Anticipatory Bail before this Court, which was withdrawn by him on 09.04.2025. Thereafter, Third Anticipatory Bail Application filed before



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the Court of Sessions, was dismissed on 29.04.2025. The Bail is sought on the ground that he was not named in the FIR by the Complainant. The Police Officials started visiting his house at odd hours, with an intent to falsely implicate him in this Case. There is in fact a dispute over property between Smt. Parkash Devi Gulati and Smt. Poonam and Ors., in respect of which, one Civil Suit bearing No. CS DJ/497/2024, titled '*Parkash Devi Gulati vs. Poonam & Ors.*', is being filed, which is pending trial.

3. The present Applicant has not been made as a party by the Complainant in the said Civil Suit thereby indicating that there is no involvement of the Applicant in the alleged offences. As per the information, ***one Wasim, co-accused***, had purchased property in question from Smt. Parkash Devi Gulati in the year 1995 and thereafter, sold it to Smt. Poonam in the year 2023. During the period from 1995 to 2023, there was no dispute regarding the property in question. The Applicant was merely one of the two witnesses on the sale documents presented for the registration executed between Wasim and Smt. Poonam. The Sale Deed was registered. The ***second witness was Smt. Neeta*** w/o Sh. Shyam Sunder, who has merely been bound by the Investigating Officer, to join the investigations and no adverse action has been taken against her.

4. The Police has been investigating the matter in a biased manner as the role of the Applicant, is identical to that of the other witness, Smt. Neeta but no coercive action till date, has been taken against her.

5. The Applicant is the brother-in-law of co-accused and therefore, the Police is trying to implicate him falsely in this Case. The name of the Applicant, does not figure in the entire transaction. There is no role in the commission of the alleged offence attributed to the Applicant. He has been



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roped in by virtue of a Disclosure Statement of co-accused, which is not admissible in law.

6. The Investigating Officer has asserted that he wants custodial interrogation of the Applicant because he wants to recover the forged documents of the property, which were made in the year 1995. The Applicant did not know the co-accused persons in the year 1995 and there are no documents in his possession. His role is limited to being a witness to the sale document registered in the year 2023. This fact has not been appreciated by the learned Court of Sessions.

7. It is further submitted that the Applicant has already joined the investigations thrice. He has submitted his mobile phone for investigations. He has fully co-operated but the Investigating Officer has wrongly claimed that he has not been co-operating in the investigations for the reasons best known to him. He has clean antecedents and had no previous involvement.

8. The Anticipatory Bail has already been granted by the Co-ordinate Bench of this Court in Bail Application No. 3777/2024 dated 07.11.2024, to *co-accused, Sanjay Puri*. The Applicant undertakes to abide by the terms of Bail.

9. *Hence, a prayer is made that he may be granted Anticipatory Bail.*

10. The **Status Report** had been filed before the learned Court of Sessions.

11. **Learned APP** has submitted that on the Complaint of Vivek Gulati, the present FIR was registered. The investigations were conducted against Poonam and Ramrati @ Preeti Behan Ji and Neeta and Sajay Puri and Wasim and the Applicant, Ziyauddin. The requisite documents were sought from DDA, Vikas Sadan. It was noted that the signatures of Prakash Devi



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Gulati on GPA dated 29.12.1995, executed between her and Mohd. Wasim, seemed to be different from the allotment letter, received from DDA, Vikas Sadan. The alleged parties failed to produce any document in regard to the mode of payment of Rs.9,10,000/- to Mohd. Wasim by Poonam. The parties failed to explain that from where, they got the GPA dated 29.12.1995 between Parkash Gulati and Mohd. Wasim, executed. Furthermore, as per the ID Card of Mohd. Wasim, submitted at the time of registration of GPA, his age appears to be approximately 13 years, which creates a doubt over the genuineness of GPA. The co-accused Mohd. Wasim was arrested on 09.08.2024, who disclosed that his brother-in-law, Ziyauddin, the Applicant, had introduced him to one property dealer Sanjay Puri and he had signed the GPA, already prepared either by Sanjay Puri, Smt. Poonam or Ramwati @ Priti Behan Ji. Later, property dealer, Sanjay Puri introduced him to Smt. Poonam, Ramwati @ Priti Behan Ji. They offered a total sum of Rs.1,50,000/- to Mohd. Wasim, for this deal and the forged GPA was executed in the name of Mohd. Wasim. Subsequently, it was found that the payment of Rs.9,10,000/- reflected in Agreement to Sell dated 07.11.2023 *vide* Cheque No. 720969, drawn on Canara Bank, Sector-16, Rohini, Delhi by the co-accused, Smt. Poonam, did not get credited in the Account of Mohd. Wasim.

12. It is further asserted that on 08.03.2025 and 18.03.2025, Applicant Ziyauddin joined the investigation and during interrogation did cooperate and remained evasive throughout the interrogation. Further the allegedly forged documents are yet to be recovered in the case. Hence, custodial interrogation of the Applicant is required in the case. The CDR dealers were also analyzed and it was found that the Accused, Poonam was in



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conversation with Sanjay Puri and Mohd. Wasim. There were also conversations between Mohd. Wasim and the Applicant, Ziyauddin, as well as Sanjay Puri and the Applicant.

13. *Further, the Bail Application is, therefore, opposed.*

Submissions heard and record perused.

14. Essentially, as per the Prosecution, the only role assigned to the Applicant, was that he was a witness to the Sale Deed, executed in 2023. The only ground on which the Bail is opposed, is that he has not co-operated during the investigations. However, the Applicant has already joined the investigations thrice and no custodial interrogation is warranted.

15. Considering the totality of circumstances, it is directed that in the event of his arrest, the Petitioner shall be admitted to Anticipatory Bail by the Investigating Officer/Arresting Officer, subject to the following conditions:-

- (i) The Petitioner shall furnish a personal bond in the sum of Rs.35,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer.
- (ii) The Petitioner shall join the investigations, as and when called by the Investigating Officer and shall co-operate during the investigations.
- (iii) The Petitioner shall furnish his cellphone number to the Investigating Officer on which he may be contacted at any time and shall ensure that the number is kept active and switched-on at all times.
- (iv) The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or



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other persons acquainted with the facts of case.

(v) The petitioner 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.

16. The Bail Application stands disposed of in the above terms.

17. Copy of the Order be sent to the learned Trial Court for compliance.

(NEENA BANSAL KRISHNA)
JUDGE

OCTOBER 30, 2025/RS