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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 993/2019 & CRL.M.A. 36238/2019**
RITA BABBAR & ANR.Petitioners

Through: Mr. Simarjeet Satia, Advocates with
Petitioners (in-Persons).

versus

STATERespondent
Through: Mr. Hemant Mehla, APP for State.
Inspector Ashok and SI Dhananjay
Kumar, P.S. Kirti Nagar.
Mr. Praveen Mahajan and Mr. R.
Singh, Advocates for R-2 & 3.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
24.07.2025

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1. The present revision petition under Section 438 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 397 read with Section 482 of the Code of Criminal Procedure, 1973²), assails the order dated 26th August, 2019³, passed by ASJ, (Pilot Court) West District, Tis Hazari Courts, Delhi, whereby the regular bail granted to the Petitioners was cancelled.

2. Briefly, the facts leading up to the filing of the present petition are as follows:

2.1. An FIR bearing No. 112/2017 was registered on 12th April, 2017

¹ "BNSS"

² "Cr.P.C."

³ "the impugned order"



under Sections 406 and 420 of the Indian Penal Code, 1860⁴ at P.S. Kirti Nagar, against one Mr. Satpal Babbar, Petitioner No. 1 – Rita Babbar (wife of Satpal Babbar), Petitioner No. 2 – Rahul Babbar (son of Satpal Babbar) and one Ms. Neelima Kumra. The said FIR pertains to an alleged fraudulent sale of an encumbered property to the Complainant, i.e., Mr. Ajay Juneja.

2.2. Satpal Babbar was arrested on 13th April, 2017 in relation to the subject FIR and he remained in custody thereafter. Chargesheet was filed against him while he was in judicial custody. Supplementary chargesheets under Sections 420 and 120B of IPC were later filed against both the Petitioners herein, however, they were not arrested during the course of investigation. Eventually, they were granted bail by the concerned Magistrate on 6th February, 2018.

2.3. Subsequently, on 23rd July, 2018, a compromise deed was executed between the Complainant and the accused persons, including the Petitioners. This compromise deed, though not executed through court directed mediation, was filed before the concerned Magistrate and was thereafter marked as Exhibit P-1 after recording of statement of the accused and the Complainant. Relying on the said settlement, the Complainant stated before the Court that he had no objection to grant of interim bail to Satpal Babbar. However, on the alleged insistence of the public prosecutor, charges were framed against the Satpal Babbar and the Petitioners on 27th July, 2018, under Sections 420 read with 120B of IPC.

2.4. On the basis of the settlement, Satpal Babbar was released on interim bail, but subsequently, he stopped appearing before the Trial Court and, on 4th June, 2019, proceedings under Section 82 of Cr.P.C. were initiated

⁴ “IPC”



against him. In the meantime, the Complainant moved an application under Section 439(2) of Cr.P.C. seeking cancellation of bail of Rita and Rahul Babbar, contending they had failed to comply with the terms of the compromise deed and had facilitated the release of Satpal Babbar only by presenting the said deed before the Court, while having no intention to honour it.

2.5. This application was decided *vide* the impugned order, wherein the ASJ observed that the Petitioners had used the compromise as a means to secure bail for Satpal Babbar, but they had failed to make any payment as per the terms of the settlement. It was further observed that their conduct demonstrated a likelihood of absconding, similar to that of Satpal Babbar, and accordingly, the bail granted to them on 6th February, 2018 was cancelled. The relevant portion of the impugned order is extracted below:

“In the opinion of this court, the two accused/non-applicants very cleverly entered into out of court settlement with the complainant and then filed the same in the court and got it exhibited as EX.PI so as to get bail of Satpal Babbar without any intention to comply with the terms of the said settlement.

The two accused/non- applicants played a foul with the complainants as well as the court and from their conduct, it seems that they too will abscond like their husband and father Satpal Babbar at the right time.

In the opinion of the court, the said accused persons would not be available to serve sentence if the trial ends into conviction as they too would abscond as soon as they dispose of their properties at the right time.

Accordingly, in order to ensure their presence not only during trial, but also at the time of final judgement, it is necessary that they be taken into custody because otherwise the chances of their absconding somewhere in between are too high.

In view of the above discussed facts and circumstances of the case, I deem It fit to cancel the bail or accused Recta Babbar and Rahul Babbar. Accordingly, ball granted to accused persons Reeta Babbar and Rahul Babbar stands cancelled.

Application stands disposed off accordingly.



Copy of order be sent to the Ld. Trial Court.”

[Emphasis supplied]

3. This Court *vide* order dated 19th September, 2019, while issuing notice to Respondent No. 2 in the present case, stayed the operation of the impugned order. As a result, the Petitioners were not taken into custody and the matter has since remained pending before this Court.

4. In the intervening period of nearly 6 years, the trial has progressed, and currently prosecution evidence is being recorded. The Court is apprised that as on date, only 1 out of 10 witnesses cited by the prosecution has been examined. Pertinently, throughout this duration, the Petitioners have regularly appeared before the Trial Court and have complied with the conditions of bail.

5. Mr. Simarjeet Satia, counsel for the Petitioners, on instructions, undertakes on behalf of the Petitioners that the Petitioners shall continue to appear in the proceedings before the Trial Court without fail.

6. On the other hand, counsel for the Respondent opposes the petition and defends the impugned order on the ground that the Petitioners obtained bail on the strength of a compromise, which they failed to honour. It is submitted that the Petitioners have not complied with the settlement terms till date, and hence, the impugned order warrants no interference.

7. Having considered the submissions and overall circumstances, this Court is of the view that considerable time has elapsed since the passing of the impugned order, and during this period, the Petitioners have remained compliant with the conditions of bail. They have regularly appeared before the Trial Court and cooperated in the proceedings. The apprehension expressed by the Trial Court that the Petitioners may abscond in a manner



similar to Mr. Satpal Babbar, is substantially mitigated in view of their consistent and continued presence before the Court over the course of the trial.

8. Therefore, in light of the facts and circumstances of the present case, following directions are issued:

- (i) The impugned order dated 26th August, 2019, cancelling the bail of the Petitioners, is hereby set aside.
- (ii) The order dated 6th February, 2018, granting bail to the Petitioners is restored, subject to the original terms and conditions stipulated therein as well as the following additional conditions:
 - (a) The Petitioners shall provide their mobile number(s) to the concerned Investigating Officer⁵, which shall be kept in a working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned during the period of bail.
 - (b) The Petitioners shall furnish their permanent address to the IO and in case they change this address, they will inform the IO concerned;
 - (c) The Petitioners shall appear before the Trial Court as and when their case is taken up for hearing;
 - (d) The Petitioners shall not leave the National Capital Territory of Delhi without the permission of the Trial Court;
 - (e) The Petitioners shall appear before the concerned IO on the first Monday of every third month at 2:00 PM to mark their presence. However, they shall not be kept waiting for longer than one hour for this purpose.

⁵ "IO"



9. With the above directions, the present petition is disposed of along with pending application(s).

SANJEEV NARULA, J

JULY 24, 2025

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