



2025:DHC:5601



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment delivered on: 15.07.2025*+ **BAIL APPLN. 2228/2025**

ASHOK KUMAR

.....Petitioner

Through: Mr. Amit Chadha, Sr. Adv.
with Mr. Mohit Auluk, Mr.
Sameer Chandra, Mr. Kuldip
Singh, Mr. Harjas Singh
Chhatwal & Mr. Saarthak
Sethi, Advocates

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar,
APP for the State with Ms.
Puja, Advocate.
Mr. Gurtinder Singh, Mr. Lalit
Kumar and Ms. Poonam
Mishra, Advocates for the
complainant.

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. This is a petition filed by the petitioner, a senior citizen aged 71 years, seeking anticipatory bail with respect to FIR bearing no. 0064/2024 dated 12th March, 2024 registered at Police Station Delhi Cantt., for the commission of offences punishable under Sections 420/467/471/120-B of the Indian Penal Code, 1860 (hereafter '*IPC*').



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2. Briefly stated, the facts of the present case are that the present FIR was registered pursuant to the directions passed by the learned Metropolitan Magistrate, Patiala House Courts, vide order dated 27.02.2024, in a complaint case that had been filed under Section 156(3) CrPC by the complainant. The allegations in the FIR pertained to a property dispute concerning property bearing No. 1/72, Sadar Bazar, Delhi Cantonment (hereinafter, 'the subject property'). The said dispute had arisen between the complainant's father and the petitioner, to whom the property had allegedly been transferred. However, the case of the complainant had been that the said transfer had been effected on the basis of forged documents, and that forensic reports (FSL) had substantiated the allegation of forgery.

3. The learned counsel appearing on behalf of the applicant argues that the learned Trial Court has failed to appreciate the findings and implications of the FSL report in the proper perspective. It is submitted that the father of the complainant had admittedly vacated the premises in question in the year 1985 and had subsequently passed away in the year 2005. It is contended that during his lifetime, which spanned over two decades after vacating the said property, no dispute had ever been raised by him, nor had any police complaint, civil suit, or legal proceedings of any nature been initiated by him against the applicant. It is further argued that there is an inordinate and wholly unexplained delay of nearly 35 to 40 years in the registration of the present FIR, despite the complainant claiming to be a practicing advocate who had accessed



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the relevant documents through RTI as early as in the year 2013. However, the police complaint had been lodged only on 25.03.2022, after a delay of nearly nine years from the purported discovery of the documents, and long after the demise of his father. The learned counsel further contends that the applicant has been in continuous, peaceful, and undisputed possession of the subject property since 1985, and that the belated allegations are actuated by mala fide intent to disturb long-settled possession. It is submitted that the FIR has been lodged with ulterior motives and in collusion with others, to harass the applicant and initiate criminal proceedings where the matter is, in essence, civil in nature. It is lastly argued that the applicant has cooperated with the investigation and is not required for custodial interrogation. Accordingly, it is prayed that anticipatory bail be granted to the applicant.

4. The learned APP for the State opposes the grant of anticipatory bail and submits that the complainant's father was a lawful tenant of the subject property, allotted to him by the Delhi Cantonment Board in 1973–74, and that the accused persons, including the applicant, had illegally occupied the said property using forged and fabricated documents, namely a Special Power of Attorney dated 25.01.1995 and an Affidavit dated 19.04.1991. It is submitted that the complainant obtained these documents through RTI replies, which showed Ashok Kumar and his wife Smt. Kamlesh as beneficiaries. During investigation, the IO recorded statements of Ashok Kumar, Smt. Kamlesh, and Satish Aggarwal, seized relevant original



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documents from both sides, collected specimen signatures, and sent them to FSL, which opined that the questioned documents bore discrepancies. It is alleged that Ashok Kumar admitted to signing the documents but claimed they were notarised by a person who could not be traced, and that R.S. Sharma, the alleged executant, was not present during the execution. Smt. Kamlesh initially denied knowledge but later stated the documents were prepared by her husband. The accused has not disclosed who signed the questioned documents, and the custodial interrogation is necessary to unearth the full conspiracy and identify other co-accused. It is argued that the offence is serious, the investigation is at a crucial stage, and hence, the bail application deserves to be rejected.

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

6. The present FIR was registered on the direction of the learned Metropolitan Magistrate under Section 156(3) CrPC, based on a complaint by the son of the original allottee of the subject property. The FIR pertains to alleged offences under Sections 420/467/471/120B of IPC, centering around claims of forged documents used to usurp the subject property bearing no. 1/72, Sadar Bazar, Delhi Cantonment.

7. It is an admitted position that the applicant has been in settled possession of the subject property since 1985. The complainant's father, who was the original allottee, is stated to have vacated the premises in 1985 and subsequently passed away in 2005. Despite



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this, no legal action—civil or criminal—was taken by him during his lifetime. It is further undisputed that the complainant received relevant documents including the impugned Special Power of Attorney and Affidavit *via* RTI as far back as 2013, yet the first police complaint was made only in March 2022— nearly nine years later and almost four decades after the alleged act.

8. This Court further notes that the applicant has joined the investigation and cooperated with the Investigating Officer. There is no material on record to suggest that he is a flight risk or is likely to tamper with evidence or influence witnesses. While the prosecution has placed reliance on the FSL report and questioned the genuineness of certain documents, it is well-settled that the veracity or authenticity of such documents is a matter for trial and cannot be conclusively determined at this stage. The allegations, viewed in the backdrop of a long-standing and dormant property dispute, *prima facie*, appear to be civil in nature cloaked in criminal allegations.

9. In view of the above and considering the applicant's settled possession, the unexplained delay in registration of the FIR, absence of custodial requirement, and his cooperation with the investigation thus far, this Court finds it a fit case to grant the relief of anticipatory bail. Accordingly, the application is allowed. The applicant be released on bail in the event of arrest on his furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the SHO/I.O concerned on the following terms and conditions:



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- i) The applicant shall remain available on mobile numbers; shared by him with the Police.
 - ii) The applicant shall not leave the country without prior permission of the concerned Court.
 - iii) The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.
 - iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned I.O/SO.
10. In view of the above, the present bail application stands disposed of.
11. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.
12. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JULY 15, 2025/zp