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

+ CRL.M.C. 8706/2023  
RUPINDER KAUR

.....Petitioner

Through: Mr. Ajeet Shukla, Ms. Aarfa Khanam,  
Advs.

versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Richa Dhawan, APP for the  
State.

SI Vikas Bhardwaj, PS MS Park.

Mr. Abhay Mani Tripathi and Ms.  
Anjali Chand, Advs. for R-2.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT SHARMA**

**ORDER**

**24.01.2025**

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 482 of the CrPC seeks the following prayers:-

“i) Set aside the common order dated 06.11.2023 passed by the court of Sh. Arvind Bansal, ASJ-05, Shahdara, Karkardooma Courts Delhi in Bail Application no.1706/2023 dismissing an Application u/s 439(2) of Cpc seeking cancellation of Anticipatory Bail granted to Respondent No.2.

ii) Pass an ex-parte ad- interim order staying the operation and proceedings before the Trial Court during the pendency of the present petition.

iii) pass such other order/s as this Hon'ble Court may deem fit and proper in the interest of justice.”

3. The order dated 10.08.2023 granted anticipatory bail to the respondent no. 2 and another accused by the name of Ravinder Gupta. Thereafter, an application was moved under Section 439 (2) seeking the cancellation of the said bail order by the petitioner before the



learned ASJ and it was dismissed *vide* order dated 06.11.2023 (impugned order).

4. During the course of hearing, it has been pointed out that the chargesheet in the present case has been filed. The grievance of the petitioner is that in the order of granting anticipatory bail the following observations have been made by the learned ASJ :-

“11. The bail is further subject to the condition that applicants/accused shall not approach the prosecution witnesses directly or indirectly. They shall also not threaten or influence the prosecution witnesses. They shall cooperate with IO during remaining investigation and shall join as and when called. They shall attend the Court hearing on regular basis and shall intimate any change of their address to the IO/Court immediately. They shall not leave the country without prior permission of the Court. **It is also expected from accused/applicants that they shall not transfer the properties in question without following due process of law.**”  
(emphasis supplied)

5. Learned counsel appearing on behalf of the respondent no.2 submits that the aforesaid observation was not challenged by the petitioner in the application seeking cancellation of anticipatory bail before the learned ASJ. It is also submitted that other co-accused who was granted anticipatory bail has not been made a party in the present petition. It is further submitted that the petitioner has sold the property in question to a third party.

6. On a pointed query by the Court to the learned counsel appearing on behalf of the respondent as to what prejudice would it cause if the said line is deleted from the order, learned counsel has no answer to the same.

7. In view of the aforesaid discussion, in the opinion of this Court, the aforesaid line need not have been recorded in the order while granting anticipatory bail. It is a principle of law that any valid transfer of property



takes place by following the due process of law.

8. In view of the above, the present petition is disposed of with the direction that the aforesaid highlighted portion shall not be read in the bail order for future references.

9. The petition stands disposed of.

10. Pending application(s), if any, also stands disposed of.

11. Copy of the order be sent to the concerned Trial Court for necessary information and compliance.

12. Order be uploaded on the website of the Court *forthwith*.

**AMIT SHARMA, J**

**JANUARY 24, 2025/kr**

*Click here to check corrigendum, if*