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

+ **CRL.M.C. 9391/2023**

DHRUV KALRA

.....Petitioner

Through: **Mr. Abhinav Garg and Mr. Mihir
Gujjewar, Advocates.**

versus

STATE AND ANR.

.....Respondents

Through: **Ms. Subhi Gupta, APP for the State
SI Ravi Yadav, PS Lajpat Nagar.**

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

07.02.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 439(2) read with Section 482 of the CrPC seeks cancellation of anticipatory bail granted to the respondent no. 2 by a Coordinate Bench of this Court *vide* order dated 19.10.2022 in BAIL APPLN. 3130/2022.
3. Respondent no. 2 was granted anticipatory bail *vide* the aforesaid order in case FIR No. 605/2022, under Sections 406/420 of the IPC, registered at P.S. Lajpat Nagar.
4. The order granting anticipatory bail dated 19.10.2022 reads as under:-

“This is an application seeking grant of anticipatory bail in FIR No. 0605/2022 dated 10.09.2022, under Sections 406/420 IPC, registered at Police Station-Lajpat Nagar.

As per the FIR, it has been stated that the complainant was lured into making payment for purchase of Mahindra Thar SUV. The applicant had stated that he would not only get the complainant a discount, but would also ensure that the delivery is made much ahead of the waiting



period. The FIR further states that in addition, the applicant offered to sell a Skoda Superb owned by the complainant. The complainant states that by these false promises, the complainant has parted with Rs. 11 lakhs. Neither the car was delivered nor the entire amount has been returned.

During the arguments, a compromise has been reached wherein the applicant has offered to pay a sum of Rs. 7,50,000/- in full and final settlement of all the claims of the complainant. The sum of Rs. 7,50,000/- shall be paid as per the following terms and conditions:

(i) A sum of Rs. 1 lakh shall be paid on or before 21.10.2022; and
(ii) the balance amount of Rs. 6,50,000/- shall be paid in 13 equal monthly instalments of Rs. 50,000/-.

(iii) Each monthly instalment of Rs. 50,000/- shall be paid on or before 15th of each month.

(iv) In case of any default, the complainant shall be at liberty to seek modification/cancellation of the bail granted today.

(v) After the entire amount of Rs. 7,50,000/- is paid, the applicant shall be entitled to file quashing petition and the complainant shall cooperate in the said quashing.

In view of the fact that the grievance of the complainant is being addressed, it is directed that in the event of arrest of the applicant in FIR No. 0605/2022 dated 10.09.2022, under Sections 406/420 IPC, registered at Police Station-Lajpat Nagar, he shall be released on bail on his furnishing personal bond in the sum of Rs. 10,000/- with one surety of the like amount to the satisfaction of the concerned IO.

With these observations, the petition is disposed of.”

5. Learned counsel appearing on behalf of the petitioner submits that after passing of the aforesaid order, respondent no. 2 only paid a sum of Rs. 70,000/- in installments in the months of October, November and December 2022, and thereafter, the respondent no. 2 was not traceable.

6. Notice to respondent no. 2 was issued *vide* order dated 20.12.2023 and thereafter repeated attempts were made to serve respondent no. 2.

7. Today, learned APP for the State has handed up in Court the status report dated 07.02.2025 authored by SHO P.S. Lajpat Nagar and the same is taken on record. The relevant portion of the same is reproduced as under:-

“1. Most respectfully, it is submitted that the notice against respondent



No.2/accused person was issued by this Hon'ble Court through concerned IO. In this regard it is submitted that efforts were made to serve the notice to respondent No. 2 Naresh Kumar S/ Sh. Narender Kumar at his residence i.e. A-5/96, Near Barat Ghar, Sultanpuri, Delhi but it was found that the address provided by him is not his residence.

2. That at the given address i.e. A-5/96, Near Barat Ghar, Sultanpuri, Delhi, Mr. Gagandeep Singh S/o Jeet Singh was present and his statement was recorded wherein he stated that his family residing at the said address for the last 45 years and Respondent No.2/accused person Naresh Kumar was his known and he used to come at his house but for the last 5 years Respondent No.2 has not visited. He further stated that Respondent No.2 has prepared the Aadhar card for the address A-5/96, Near Barat Ghar, Sultanpuri, Delhi by fake means. He also stated that Respondent No.2 has also prepared other Aadhar cards for the other address in the locality and in many times other police personnel have also visited the said address for search of Naresh Kumar. He further stated that he don't have any information about the present whereabouts of the Naresh Kumar.

3. That, in the adjacent house i.e. A-5/95, Near Barat Ghar, Sultanpuri, Delhi the resident Suresh Kumar S/o Patiraam was also examined and his statement was also recorded wherein he stated that he is residing on the said address for last 40-45 years and Respondent No.2 Naresh Kumar used to visit often in his neighbourhood and Respondent No.2 has prepared his Aadhar Card and other documents by fake means on his address i.e. A-5/95, Near Barat Ghar, Sultanpuri, Delhi. He also stated that many times police has visited his house also for the search of Respondent No.2 Naresh Kumar. He further stated that he don't have any information about the present whereabouts of the Naresh Kumar.

4. That, it is found that the address provided by the Respondent No.2/accused person Naresh Kumar is not correct and he has obtained the Aadhar Card on the said address i.e. A-5/96, Near Barat Ghar, Sultanpuri, Delhi by using fake means as he was never residing at the said address. Therefore, the notice issued by this Hon'ble Court could not be served to Respondent No.2/accused Naresh Kumar.”

8. In view of the above, respondent no. 2 apart from the fact that he is not complying with the undertaking given to this Court, is also evading the process. It is pointed out that the investigation in the present FIR is still pending and respondent no. 2 is not traceable. The aforesaid conduct of respondent no.2 in furnishing false addresses on false documents in order to



evade the process of law is in itself a sufficient ground to cancel the anticipatory bail.

9. In view of the aforesaid circumstances, the anticipatory bail granted to respondent no. 2 is hereby cancelled.

10. The present petition is allowed and disposed of accordingly.

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

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

AMIT SHARMA, J

FEBRUARY 07, 2025/sn

Click here to check corrigendum, if any