



2025:DHC:11683



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **BAIL APPLN. 3143/2025****MOHD. YAMEEN**

.....Petitioner

Through: Mr. Ashutosh Bhardwaj,
Mr. Sanju Gupta and Mr. Lakshay Tyagi,
Advs.

versus

THE STATE GOVT. OF NCT OF DELHIRespondent

Through: Ms. Meenakshi Dahiya, APP
for State with Mr. Bhuman Bansal and Mr.
Gursharan Kaur, Advs.

CORAM:**HON'BLE MR. JUSTICE AJAY DIGPAUL****JUDGMENT**

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10.12.2025**AJAY DIGPAUL, J. (ORAL)**

1. The present petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter BNSS) has been filed by the petitioner who seeks anticipatory bail in FIR No. 147/2025, registered at Police Station Chandni Mahal for offences under Sections 420/34 IPC, arising out of a property transaction relating to Shop No. 4159, Urdu Bazar, Jama Masjid (hereinafter referred to as "subject property").

2. As per the subject FIR, status reports, and other documents on record, the complainant entered into an *Ikrarnama* dated 10.04.2023 with the Petitioner for the purchase of the subject property for ₹1,52,50,000/- and, in furtherance thereof, paid the Petitioner ₹20,00,000/- as *bayana*. The Petitioner allegedly represented himself

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as competent to sell the subject property and assured that its possession would be handed over within three months of signing the *ikrarnama* and that he would have the allottee's name changed in Delhi Waqf Board records.

3. Investigation revealed that the Petitioner appears to have had no right or title over the subject property. It was found that the subject property is owned by the Waqf Board and that it was allotted to Qamar Aziz for 10 years. Its possession is disputed by Waseem (tenant of Qamar Aziz), in connection with which a civil suit is reported to be pending at Patiala House Court, and that a *Kalandra* under Section 145 CrPC dated 16.01.2024 is pending before the SDM Kotwali.

4. During the investigation, it has also been found that one Md. Shakeel, someone long since known to the Petitioner, had executed a General Power of Attorney dated 07.11.2023 with Smt. Qamar Aziz (actual allottee of the subject property). Upon inquiry with the concerned notary advocate, it was revealed that he had notarized the GPA between Md. Shakeel and Smt. Qamar Aziz on 08.11.2023.

5. Investigation further uncovered photographs stored in the Petitioner's seized mobile phone, of forged receipts, with *prima facie* forged signatures, purporting to show that the complainant received ₹20,00,000/- on 15.09.2023.

6. Non Bailable Warrants (hereinafter NBWs) were issued against the petitioner on 26.07.2025 and were returned unexecuted on 26.08.2025. It was reported that despite the Investigating Officer's visits to the Petitioner's residence on multiple occasions, i.e., 07.08.2025, 09.08.2025 and 21.08.2025, during which the NBWs remained unexecuted.

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7. Consequently, proceedings under Section 84 BNSS were initiated on 26.08.2025 before the Learned Judicial Magistrate First Class (hereinafter JMFC). On 12.09.2025, a letter dated 26.07.2025 had been handed over by the learned counsel of the Petitioner before the learned JMFC, claiming the Petitioner was in Thane, Maharashtra, and would return shortly. However, the learned JMFC found no proof that this letter was served on the IO and dismissed the petitioner's application for cancellation of NBWs *vide* order dated 12.09.2025, and as such, the petitioner is an absconder.

8. The learned Additional Sessions Judge dismissed the Petitioner's first petition for anticipatory bail on 06.08.2025

Submissions on behalf of the Petitioner

9. Learned counsel for the Petitioner has submitted that the dispute is entirely civil in nature, and relates to a failed property transaction which has been wrongly ascribed with criminal flavour. It is alleged that the complainant approached multiple police stations, indicative of forum shopping and *mala fides*. He further submits that he has wrongly been implicated by the Complainant in this case.

10. The learned counsel for the Petitioner further submitted that he returned the *bayana* amount on 15.09.2023, and that, consequently, no criminality remains, and at best, that the FIR pertains to a failed commercial property transaction. Notwithstanding that, the learned counsel for the Petitioner has submitted that the complainant's claim of paying ₹20 lakh in cash is untenable given statutory limitations on large cash transactions, and contends that the FIR itself is suspicious on this account.



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11. It is argued that custodial interrogation of the petitioner is unnecessary, as all related documents have been seized, and despite any alleged seizure, no substantial evidence has been brought on record by the Investigating Officer to substantiate the allegations against the petitioner.

Submissions on behalf of the State

12. The learned Additional Public Prosecutor, appearing for the State, has vehemently opposed the petition, submitting that the Petitioner executed the *Ikrarnama* despite having no legal authority over the subject property being Waqf Board property and that he misrepresented his ability to change allottee records to this end. Relying on the Status Report dated 06.08.2025, filed before the learned ASJ, the Ld. APP submitted that the concerned property had been leased by the Waqf Board to Qamar Aziz, for a period of 10 years, which in turn, has been rented to Waseem. Notwithstanding that, alienation of any immovable waqf board property without the prior sanction of the board is void.

13. It is submitted that the Petitioner has evaded arrest, absconded from his second residence, and that he drew support from Kisan Union Leaders to pressure the police by calling them to the office of the DCP at Daryaganj to dissuade the police from apprehending him, and that these events necessitated the initiation of proceedings under Section 84 BNSS against the petitioner. Furthermore, relying on Status Report dated 21.08.2025 filed before this court, it has been stated that during one visit, the petitioner's second wife informed the IO that the



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petitioner fled the night before the IOs arrival, fearing his arrest and even leaving behind his mobile phones.

14. Upon examination of the recovered phones belonging to the petitioner, the learned APP has submitted that the Petitioner created and stored on his phone a forged receipt showing receipt of Rs. 20,00,000 by the complainant, bearing fabricated signatures. This in turn contradicts the Petitioner's version and indicates deliberate manipulation of evidence.

15. The learned APP has submitted that custodial interrogation is crucial to recover the original GPA between Qamar Aziz and Md. Shakeel, and identify the persons involved in the alleged conspiracy.

16. It has been informed by the Investigating Officer, who appears in person, that the property in question does not belong to the petitioner neither it belongs to the person from whom he alleges that he entered into the agreement to sell.

17. Today, the investigating officer has specifically stated, in response to the court's query, that the property is owned by the Waqf Board and that they specifically issued notice to find out who is the owner of the property.

18. It is stated that a show cause notice was issued to Qamar Aziz, asking him why a GPA had been entered into with respect to the subject property and why action should not be taken.

Analysis and Conclusion

19. In its consideration of whether an accused ought to be enlarged on bail in the event of his/her arrest, the primary considerations that weigh with this Court are the gravity and nature of the offence, the



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specific role attributed to the Petitioner and the evidence connecting, *prima facie*, the petitioner to the offence, the requirement of custodial interrogation of the petitioner, the danger of tampering with evidence/influencing witnesses, and the antecedents/prior involvement of the accused, if any.

20. Applying the above principles, this Court notes that the *Ikrarnama* dated 10.04.2023 pertained to a Waqf Board property which the Petitioner, *prima facie*, had no right to sell or transfer.

21. The Petitioner's assertion that he has falsely been implicated in the case as he has not executed the *Ikrarnama* is of little persuasive value at this stage on account of the alleged repayment of the Rs. 20,000,000 as a *bayana* amount.

22. The Petitioner's assertion of repayment of such amount on 15.09.2023 appears to be undermined by the recovery of a forged receipt from his own mobile phone.

23. The Petitioner's conduct during investigation—non-appearance despite repeated notices, NBWs returning unexecuted, absconding from his second residence, and attempting to assemble external groups to exert pressure on the police—does not inspire the confidence of this Court with respect to his possible future cooperation with the investigation.

24. More pertinently, the Status Reports on record disclose that the Petitioner has multiple prior criminal involvements, including cases under Sections 302/34 IPC, 452/365/323 IPC, 448/188 IPC, 387/34 IPC, 506/34 IPC, and under Sections 324/341/506/34 IPC, as well as involvement under Sections 25/27 of the Arms Act. These antecedents are spread across police stations in North-East and South-East Delhi,



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and include allegations of murder, violent offences, house-trespass, intimidation and arms-related offences.

25. The existence of ongoing civil proceedings does not negate the criminality alleged where the material indicates, *prima facie*, dishonest inducement and fabrication of evidence.

26. Having regard to the seriousness of the allegations, the Petitioner's conduct, the contradictions in his defence, the presence of a forged document on his device, the statutory bar relating to transfer of Waqf Board property, and his several heinous antecedents, this Court is satisfied that his custodial interrogation is necessary and that investigation and trial may be hampered in case he is granted pre-arrest bail.

27. No ground is made out, at this stage, to exercise this Court's discretion under Section 482 BNSS in favour of the Petitioner and enlarging him on bail in the event of his arrest in connection with the subject FIR.

28. The petition, along with pending applications, if any, stands dismissed for the aforesaid reasons.

29. Nothing in this order shall be construed as an expression on the merits of the case for the purpose of trial.

AJAY DIGPAUL, J

DECEMBER 10, 2025/ar/av