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

\+ BAIL APPLN. 3427/2024

SACHIN JAIN .....Petitioner

Through: Ms. Adviteeya and Mr. Nishant Sharma, Advocates.

versus

STATE NCT OF DELHI .....Respondent

Through: Mr. Amit Ahlawat, APP for State with Ms. Shehnaz Khan, Advocate.
Mr. Pramod Kumar, Insp. and Mr. Vishvendra Singh, SI, Ps-Mayur Vihar, Delhi.
Mr. Manoj Kr. Tomar, SI, North Distt., Delhi.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% **03.03.2025**

1. At the outset, it is pertinent to note that despite the directions issued by this Court on 7th February, 2025, the concerned SHO has failed to appear. The Investigating Officer, Mr. Pramod Kumar, who is present in Court, states that the SHO is on leave. The concerned IO, SI Manoj Kumar, is present. When questioned by the Court regarding his absence on the previous date of hearing, he submits that no intimation was received from the concerned wing. Accordingly, the SHO is directed to file a status report supported by an affidavit explaining as to why the concerned IO was not present on 7th February, 2025 and why intimation regarding the hearing was

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not provided to him.

2. Notwithstanding the above lapse, considering the urgency involved, the Court has proceeded to hear the matter.

3. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] (formerly Section 439 of the Code of Criminal Procedure, 1973[2]) seeks regular bail in proceedings arising from FIR No. 147/2023 registered under Sections 448/506/120B of the Indian Penal Code, 1860[3] at P.S. Mayur Vihar, Phase-I. Subsequently, a chargesheet was filed and the Applicant has been charged with offences under Sections 448/506/120B/420/467/471/468 of IPC.

4. Briefly, the case of the prosecution is as follows:

4.1. The present FIR was registered on a complaint made by one Mr. Rajeev Dua against the Applicant alleging cheating, forgery, intimidation and trespass concerning property bearing No. 201B, Ground Floor, Pocket-I, Mayur Vihar Phase -I, New Delhi.[4]

4.2. According to the Complainant, in 1983, the subject property was allotted by the Delhi Development Authority[5] to one Late Mr. Tek Ram through a letter dated 28th May, 1982. Mr. Tek Ram subsequently sold the property to Mr. Shyam Kapoor and Mr. Pradeep Kapoor through Special Power of Attorney[6] and General Power of Attorney,[7] respectively, both dated 24th December, 1987.

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[1] "BNSS"
[2] "Cr.P.C."
[3] "IPC"
[4] "the subject property"
[5] "DDA"
[6] "SPA"
[7] "GPA"

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4.3. Thereafter, on 24th March, 1999, Mr. Shyam Kapoor and Mr. Pradeep Kapoor sold the property to Mrs. Sita Dua through SPA and GPA, respectively. A Will deed was also executed by Mr. Shyam Kapoor in favour of Mrs. Sita Dua. The Complainant asserts ownership over the subject property on the basis of a Will executed by Mrs. Sita Dua, his mother, in his favour. Following her demise on 11th October, 2019, the Complainant claims to have inherited the property and has continued to pay its maintenance charges, electricity bills and house tax.

4.4. The dispute arose on 20th April, 2023, when the Complainant got a message from BSES notifying him of a name change in the electricity connection for the subject property. Suspecting foul play, he lodged a complaint with BSES. Subsequently, on 27th April, 2023, he was informed that certain individuals had forcefully entered the property by breaking the locks. Upon reaching the premises, he found the Applicant, Mr. Sachin Jain, claimed ownership of the subject property. When the Complainant attempted to assert his rights, the Applicant allegedly threatened him with dire consequences.

4.5. The Complainant then made a PCR call. Acting on this complaint, the police arrived at the scene, verified the facts and subsequently registered the present FIR. The statement of the Complainant was recorded, and the Applicant was arrested.

4.6. During the investigation, the Applicant produced documents asserting that he had lawfully purchased the subject property from one Mr. Sumit Kumar, son of Late Mr. Om Prakash**.** These documents included a GPA, an Agreement to Sell, an Affidavit, a Possession Letter, a Will, and a Receipt of

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full and final payment, all allegedly executed by Mr. Sumit Kumar in favour of the Applicant on 13th April, 2023.

4.7. The Applicant further claimed that Late Mr. Om Prakash had purchased the subject property from Late Mr. Tek Ram in 1990 through a GPA, an Agreement to Sell, and a Will. Subsequently, Late Mr. Om Prakash purportedly transferred his rights in the subject property to his son, Mr. Sumit Kumar, through a Will dated 12th December, 2012.

4.8. However, upon investigation, it was revealed that the documents relied upon by the Applicant were not genuine. The police allege that the Applicant, in collusion with associates, had fabricated these documents using forged stamp papers to unlawfully claim ownership of the subject property.

5. The Applicant asserts that he has been falsely implicated in the present case and seeks bail on the following grounds:

5.1. The Applicant is a *bona fide* purchaser of the subject property from Mr. Sumit Kumar. It was Mr. Sumit Kumar who approached him for the sale of the subject property and presented a registered GPA dated 3rd January, 1990, allegedly executed by Mr. Tek Ram in favour of Mr. Om Prakash, the father of Mr. Sumit Kumar. Additionally, he produced a Will executed by Mr. Om Prakash in his favour. Relying on these documents, the Applicant purchased the property in good faith, and a GPA dated 13th April, 2023, was registered in his favour.

5.2. The records of the East Delhi Municipal Corporation, DDA and BSES continue to reflect Late Mr. Tek Ram as the lessee of the subject property. The Complainant, therefore, has no direct ownership claim over the

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property, as his documentation has not been recorded with the DDA.

5.3. The Applicant's title documentation is authentic, and he was in lawful possession of the property when a false complaint was lodged against him to evict him. The present FIR has been registered with ulterior motives to dispossess him from the premises.

6. On the other hand, Mr. Amit Ahlawat, APP for the State, strongly opposes the present application and submits that the Applicant is involved in a grave and serious offence of committing forgery. The documentation relied upon by the Applicant for claiming ownership have not been found to be genuine. The investigation has revealed that the documentation was prepared in the name of Late Mr. Om Prakash using forged stamp papers. Furthermore, the identities of unknown accused persons are yet to be established. The State also apprehends that if released on bail, the Applicant may abscond or fail to comply with bail conditions

7. The Court has considered the afore-noted contentions. The investigation has been concluded and the chargesheet has been filed. The Applicant has been in custody from 27th April, 2023. As per the latest Nominal Roll, as on 27th February, 2025, the Applicant has spent a period of 1 year, 9 months and 25 days in judicial custody.

8. The allegations against the Applicant pertain to the authenticity of the ownership documents submitted by him. The prosecution contends that these documents were forged to assert a claim over the subject property. However, a crucial aspect that cannot be overlooked is that, as per the official records of the DDA, the subject property continues to be registered in the name of Late Mr. Tek Ram, the original allottee. The Complainant

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himself has not initiated any mutation proceedings based on the documents he has presented to claim ownership.

9. The Applicant has placed reliance on a separate set of documents, asserting that he lawfully acquired the subject property from Mr. Sumit Kumar, the son of Late Mr. Om Prakash. Whether these documents are genuine or have been forged is a matter that requires adjudication during trial, through documentary and oral evidence. At this stage, a detailed examination of these claims is neither feasible nor appropriate.

10. In view of the foregoing, and without delving into the merits of the allegations, the Court finds that continued incarceration of the Applicant may not be warranted, given that the trial is likely to take time. Accordingly, considering the overall facts and circumstances of the case, the Applicant is entitled to be released on bail, on furnishing a personal bond for a sum of INR 50,000/- with one surety of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;

b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;

c. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;

d. The Applicant shall appear before the Trial Court as and when directed;

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e. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;

f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

11. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

12. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

13. The bail application is allowed in the afore-mentioned terms.

14. Copy of the order be sent to the concerned SHO for compliance with the directions issued in paragraph No. 1 of the order.

SANJEEV NARULA, J

MARCH 3, 2025
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