



2025:DHC:10224



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

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Reserved on: 14th November, 2025

Pronounced on: 20th November, 2025

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BAIL APPLN. 3386/2025

DAYA CHAND

S/o Late Sh. Ramkala,
R/o H. No. 132, Street No.9,
Village Sarai Sohal, Manglapuri, Palam Colony,
South West Delhi, Delhi.

.....Petitioner

Through: Mr. Thakur Sumit, Mr. Gaurav Rathor
and Mr. Akash Nawariya, Advocates

versus

1. **STATE (GOVT. OF NCT OF DELHI)**
Through SHO, PS: Palam Village.

2. **KARAN VIR**
S/o Late Sh. Bishamber Dayal
R/o H. No. 138, Village Sarai Sohal,
Manglapuri, Palam Colony,
South West Delhi, Delhi.

.....Respondents

Through: Mr. Utkarsh, APP for the State with SI
Vinod Kumar and SI Amit Punia, P.S.
Palam Village.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

BAIL APPLN. 3386/2025

Page 1



1. **First Application** under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as "B.N.S.S."*) has been filed on behalf of the Petitioner seeking **Regular Bail** in FIR No.0745/2023 under Section 420 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC"*) registered at Police Station: Palam Village, Delhi.
2. **Briefly stated**, Complainant/Respondent No.2 and the Applicant allegedly entered into an *Agreement to Sell* in respect of property bearing House No.132, Village - Sarai Sohal, Manglapuri, New Delhi for an amount of Rs.45,00,000/-, for which a *Samjhota Patra* dated 23.08.2019 was executed between them. The Complainant further alleged that on 04.10.2019, he paid an amount of Rs.5,00,000/- in cash and Rs.15,00,000/- *vide* Cheque in the Bank account of the Applicant.
3. On 17.11.2019, the Complainant paid an amount of Rs.12,20,000/- in cash to the Applicant for which a *Samjhota Patra* dated 17.11.2019 was executed. It is further alleged that a *Declaration by one Pratap* had also been executed in relation to the same.
4. It is further alleged that after making the aforesaid payments, the Complainant came to know that the property in question was mortgaged with *one person namely Pratap*. Thereafter, the remaining amount of Rs.12,80,000/- was agreed to be paid by the Complainant to the Applicant at the time of execution of Sale Deed, which was to be executed on or before 04.04.2020. However, the Applicant subsequently refused to execute the Sale Deed.
5. In the year 2020, prior to the registration of the FIR, Respondent No.2/Complainant had already filed a civil suit bearing CS No.284/2020 titled as *Karanvir vs. Daya Chand* for *Specific Performance of Agreements*



Dated 23.08.2019 And 17.11.2019, for Recovery of Rs.34,45,400/- along with interest @ 12% per annum, which is pending adjudication.

6. On 05.08.2022, Respondent No.2/ Complainant was cross-examined in the aforesaid *Civil Suit*, wherein he admitted that he came to know that the suit property was mortgaged on 04.10.2019, when the said fact was disclosed to him by his Uncle Daya Chand. This admission reflects that there was no deception/cheating on the part of the Applicant since inception. In order to give a civil dispute a criminal colour, Complainant filed Complaint dated 08.04.2023 with P.S.: Palam Village, after delay of about four years. Subsequently, he filed criminal case bearing Cr. Case No.25758/2024 titled as State vs. Dayachand, in which present FIR has been registered.

7. Notices under Sections 41A and 91 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C."*) dated 20.12.2023 were issued by the IO and the Applicant joined investigations several times, as was directed. However, in complete defiance of the guidelines laid down in the case of Arnesh Kumar vs. State of Bihar, (2014) SCC OnLine SC 532, I.O. started harassing the Applicant in the name of investigation, which is corroborated by the GDs dated 02.05.2024 registered by his family members.

8. On account of the harassment by the Investigating Officer and apprehending his arrest, the Applicant filed Anticipatory Bail Application bearing Bail Matters No.943/2024 before learned ASJ, which got dismissed *vide* Order dated 30.05.2024 in a mechanical manner, without ascertaining the real controversy and facts of the case.

9. Again, on 11.06.2024, on directions of the IO, the Applicant went to Police Station for joining the investigation at 06:00 PM, however, he was made to sit there for long time, which can be corroborated by GD No.0133A



recorded on 11.06.2024 at 23:39:22. Irked by the Complaint of Applicant's wife *vide* aforesaid GD entry, *I.O. arrested the Applicant at 11:50 PM on the same day, i.e. 11.06.2024*. He was produced him before the Ld. Duty MM on 12.06.2024 and was sent to one day's Police custody.

10. **Bail is sought on the grounds** that registration of FIR is an abuse of process of law and FIR has been registered on a Complaint which does not disclose complete details about his knowledge about the mortgaged status of the suit property.

11. It is claimed that the facts of the case have been manipulated by the Complainant and no alleged cash amounts of Rs.5,00,000/- and Rs.12,20,000/- have been paid by the Complainant to the Applicant.

12. The investigations are complete. Chargesheet has been filed, Charges have been framed against the Applicant under Section 420 IPC and the matter was fixed for prosecution evidence on 04.09.2025.

13. The Applicant, senior citizen of 65 years, is languishing in judicial custody since 12.06.2024, i.e. more than 428 days. FIR had been registered after a delay of about four years with deliberate intention to implicate the Applicant in a criminal case, despite the dispute being civil in nature. There are eight prosecution witnesses and it will take time to complete the Trial.

14. Observations of learned ASJ, in its Order dated 30.07.2025 that the possibility of the accused tampering with the evidence or influencing of the witnesses cannot be ruled out, are untenable and misplaced.

15. Reliance is placed on Sanjay Chandra vs. CBI, (2012) 1 SCC 40 and Anil Mahajan vs. Customs, 2000 (2) JCC Delhi 302.

16. Hence, it is submitted that the Bail be granted to the Applicant.



17. **Status Report filed on behalf of the State be taken on record**, wherein details of the Complaint have been mentioned. It has further been stated that during investigation, original documents executed between the parties were seized and the details of Bank account, were also provided by the Complainant. Statements of eyewitnesses, who were present at the time when the cash was given by the Complainant to Applicant, were recorded.

18. Notice under Section 41A Cr.P.C. was served upon the Applicant, but he did not join investigations. The Applicant also did not provide his Bank details, pursuant to Notice under Section 91 of Cr.P.C.

19. Furthermore, the Revision Petition No.3327/2025 against Order allowing the *Application under Section 156(3) Cr.P.C.* is pending before the learned Sessions Court. Supplementary Chargesheet, regarding FSL result in regard to the authenticity of the signatures of the Applicant, has been filed in the Court, wherein FSL Report has opined that the signatures have matched. Therefore, Bail is strongly opposed.

Submissions heard and record perused.

20. Essentially, the Complainant and the Applicant entered into Agreements to Sell (*Samjhota Patra*) on 23.08.2019 and subsequently, on 17.11.2019, wherein part payment of the sale consideration made by the Complainant were recorded. It is not in dispute that in the year 2020, when the Agreement to sell did not fructify, Civil Suits have already been filed by the Complainant against the Applicant. Moreover, the only allegation made in the Complaint of alleged cheating is that subsequently, it came to the knowledge of the Complainant that the property in question was mortgaged with one Pratap, but he himself has stated that Pratap had executed a Declaration, when second *Samjhauta Patra* dated 17.11.2019 was executed



and it was agreed that balance amount of Rs.12,20,000/- would be paid to Pratap, for discharge of the mortgage.

21. Pertinently, the Applicant is in Judicial Custody since 12.06.2024, i.e. more than 428 days. Investigations are complete. Evidence are essentially documentary and the case is at the stage of prosecution evidence.

22. Considering the nature of dispute and his long incarceration and that the trial is likely to take long, the Petitioner/Accused is granted Regular Bail, on the following terms and conditions:

- a) The Petitioner/Accused shall furnish a personal bond of Rs.35,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court;
- b) The Petitioner/Accused shall appear before the Court as and when the matter is taken up for hearing;
- c) The Petitioner/Accused shall provide his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;
- d) The Petitioner/Accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses; and
- e) In case the Petitioner/Accused changes his residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

23. The copy of this Order be communicated to the concerned Jail Superintendent, as well as, to the learned Trial Court.



2025:DHC:10224



24. Bail Application is accordingly disposed of with pending Application.

**NEENA BANSAL KRISHNA
(JUDGE)**

NOVEMBER 20, 2025/R