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

+ **BAIL APPLN. 3511/2025**

MEHTAB KHAN

.....Petitioner

Through: Mr. Shakeel Ahmed, Adv.

versus

THE STATE GOVT NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP with SI
Amit Sharma, PS Badarpur.
Mr. Amardeep Sharma and Mr. Rajat
Gautam, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

08.12.2025

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1. The present application has been filed seeking anticipatory bail by the applicant in case FIR no. 627/2021 under sections 420/467/468/471/34 IPC registered at PS Badarpur.
2. Learned counsel for the applicant submits that the applicant is a 63-years old person who has been falsely implicated in the present case. It is argued that the FIR is based on fabricated facts and contains no specific allegation of cheating, forgery, or use of any forged document against the applicant. It is further submitted that the dispute between the parties is purely civil in nature, as evident from the pending civil suit CS SCJ no. 1351/2021 titled "Manish Yadav v. Mehtab Khan and anr." filed by co-accused Manish Yadav against the complainant regarding title and



possession of the property. It is submitted that despite joining investigation pursuant to the Trial court's directions, no incriminating material has emerged against the applicant. The allegations in the FIR pertains to the co-accused and not the present applicant.

3. It is further submitted that the parties had amicably settled the matter on 17.11.2023(Annexure P-4) for Rs.6,00,000/-, out of which Rs.2,00,000/- was paid at the time of executing the MOU along with an affidavit of no objection filed by the complainant for quashing of the FIR. It is submitted that the complainant thereafter started blackmailing the applicant by demanding Rs.10,00,000/- for making a favourable statement before this Court.

4. Learned counsel submits that the IO has not taken any lawful steps such as seeking permission for FSL examination, and the applicant has always cooperated with the investigation. Furthermore, it is submitted that the applicant has clean antecedents, is not absconding, and undertakes not to tamper with evidence or influence witnesses in any manner. It is lastly submitted that the applicant seeks the relief for his eye surgery and supporting documents regarding the surgery has been filed.

5. Learned APP for the State submits that there is no settlement between the applicant and the complainant, and the contrary assertion by the applicant is false. It is submitted that the FSL report clearly establishes that the admitted signatures of deceased Kuldeep Singh which was acquired from Bank documents do not match the signatures appearing on the alleged forged chain of documents. It confirms that the documents relied upon by accused Mehtab are forged and fabricated documents.



6. It is further submitted that the investigation reveals two chains of documents: one showing the property passing from Mahinder to Dheeraj to Kuldeep Singh, and the other purporting to transfer the property from Kuldeep to the applicant. When the complainant (Brother-in-law of deceased Kuldeep Singh) visited the property, he found another person, Jagdish Bhadana, in possession, who claimed to be a *bona fide* purchaser for Rs. 21 lakhs from one Manish in March 2021, who in turn stated that he had purchased the property from the present applicant in 2019. The Learned APP states that the stamp papers allegedly used for transfer do not exist, the signatures of Kuldeep on the documents are forged, and even the notary shown on the documents is non-existent.

7. Furthermore, it is submitted that NBWs have already been issued and proceedings under Section 82 CrPC have been initiated against the applicant. It is submitted that custodial interrogation is essential to ascertain the source of the forged documents, forged affidavits, notarial papers, and to identify the persons who assisted the applicant in preparing them. Due to the Applicant not joining the investigation even after several notices were issued against the applicant for the joining of investigation, the present investigation has been pending since 2021.

8. The Court has considered the rival submissions advanced by learned counsel for the applicant as well as the learned APP for the State and have perused the material placed on record. Perusal of the order dated 09.09.2025 (Annexure P-1) passed by the Session's Court dismissing the bail of the applicant, clearly indicates and records that the applicant has not joined the investigation despite interim protection granted to him on 23.02.2022. The record reflects that due to the applicant's non-cooperation and non-joining,



the investigation has remained pending since 2021. It is evident from the record that the applicant has not approached this Court with clean hands, having suppressed material facts and consistently evaded the investigation and not joining despite the grant of interim protection.

9. The allegations in the present case pertain to the preparation and use of forged documents, including forged stamp papers, fabricated signatures of deceased Kuldeep Singh, and non-existent notary papers. These allegations are supported by the FSL report, which *prima facie* indicates that the signatures appearing on the chain of documents do not match the admitted signatures of the deceased. Such serious allegations of forgery of property documents cannot be examined without the applicant's participation in investigation.

10. It is brought to the Court's attention that NBWs have been issued and proceedings under Section 82 CrPC have been initiated against the applicant. The initiation of proclamation proceedings indicates that the applicant has been deliberately evading the process of law. This conduct disentitles the applicant from seeking the extraordinary protection of anticipatory bail.

11. The Supreme Court in ***Srikant Upadhyay v. State of Bihar*** (2024) 12 SCC 382 held that filing an anticipatory bail application through counsel does not amount to appearance for the purposes of Sections 82 and 83 CrPC, as physical presence before the court is essential and an absconding accused cannot claim protection merely by such filing. The Court further observed that an accused who knows he is wanted, against whom warrants and proclamation have been issued, and who avoids surrender, is deemed to be an absconder in face of law. It reiterated that anticipatory bail is an



extraordinary remedy not available to persons evading arrest, and such relief may be granted only in rare and exceptional circumstances.

12. Furthermore, the nature of the allegations requires custodial interrogation to ascertain the source of the forged documents, the identities of persons who may have assisted in preparing them. Such information cannot be obtained without the applicant being made available for interrogation in custody. The gravity of the offence and the societal impact of selling the property on the basis of documents justify the need for custodial interrogation.

13. In view of the applicant's non-cooperation and non-joining with the investigation despite interim protection granted by the trial court, the pendency of investigation since 2021, the seriousness of the allegations supported by FSL findings, and the initiation of proceedings under Section 82 CrPC, no ground is made out for grant of anticipatory bail. The contention of settlement raised by the applicant is disputed by the State and cannot dilute the gravity of the alleged offences at this stage.

14. Accordingly, the present application for anticipatory bail is dismissed.

RAVINDER DUDEJA, J

DECEMBER 8, 2025/na