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

+ **BAIL APPLN. 3651/2024**

SIDDHARTH JAIN

.....Petitioner

Through: Mr. Puneet Mittal, Sr. Adv. with Mr.
Pawan Kumar Mittal, Mr. Rupendra
Pratap Singh, Ms. Sakshi Mendiratta,
Mr. Sameer Vatts, Advs.

versus

STATE (GOVT. OF NCT OF DELHI)Respondent

Through: Mr. Aashneet Singh, APP with Insp.
Sanjay Kaushik, PS Crime Branch

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

28.01.2025

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1. This is a petition filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') for grant of regular bail to the petitioner in FIR No. 0089/2010, under sections 448/420 of IPC, 1860 registered at PS: Rani Bagh. The chargesheet has been filed under sections 420/467/468/471/120B/34 of IPC, 1860.

2. In the present case, the petitioner has been in custody since 23.07.2019.

3. As per the FIR, the allegations against the petitioner is that the petitioner created forged and fabricated title deeds of property bearing No. C-350 Govt Teachers Co-operative House Building Society Ltd. presently known as Saraswati Vihar, Delhi-110034 and then to secure a loan advanced by the Corporation Bank, created equitable mortgage in favour of the bank,



based on the said forged documents.

4. Mr. Mittal, learned senior counsel for the petitioner has restricted his arguments only to the extent that the petitioner has undergone substantial period of incarceration and there is delay in trial. Further, the petitioner was also released on bail during the COVID -19 and thereafter, he duly surrendered.

5. As per the Nominal Roll dated 25.11.2024, there are 4 other FIRs pending against the petitioner, the details of which are as follows:

- i. FIR No. 169/2017, registered at PS Economic Offences Wing under sections 419/420/467/468/471/120B of IPC, 1860, whereby the petitioner is in custody.
- ii. Compliant Case No. 634105/2016, registered at PS Defence Colony under section 138 of the Negotiable Instruments Act, whereby the petitioner is on bail.
- iii. FIR No. 103/2021, registered at PS Vikas Puri under sections 409/406/420/120B/34 of IPC, 1860, whereby the petitioner is not arrested.
- iv. RC No. 219/2011/EOO11, registered at PS CBI/EOW-ii/EO-1/ND under sections 420/467/468/471/120B of IPC, 1860, whereby the petitioner is not arrested.

6. In the present case, even though the allegations against the petitioner are grave and serious in nature and the petitioner is accused of defrauding a sum of Rs. 27 crores, however, the fact remains that the petitioner is still an undertrial prisoner. The charges against the petitioner are yet to be framed and the trial is unlikely to conclude in the near future. Till the trial is concluded, the petitioner is presumed to be innocent.



7. The petitioner has already undergone incarceration for a period of around 2 years and 9 months.

8. The rights under Article 21 of the Constitution of India are paramount and every accused is entitled to a speedy trial.

9. For the said reasons, the petitioner is directed to be released on regular bail in FIR No. 0089/2010, under sections 448/420 of IPC, 1860 registered at PS: Rani Bagh subject to the following terms and conditions:

- (a) The petitioner shall furnish a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the concerned Trial Court;
- (b) The petitioner shall provide his mobile number to the concerned Investigating Officer (IO), which shall be kept in working condition and switched on at all times. The petitioner shall also provide his permanent residential address and in case of change of residential address or contact details, the petitioner shall promptly inform the same to the concerned IO as well as to the concerned Court;
- (c) The petitioner shall not leave the country without permission of the competent Court during the bail period and surrender his passport, if any, at the time of release before the concerned Court;
- (d) The petitioner shall not directly/indirectly try to get in touch with any prosecution witnesses or tamper with the evidence;
- (e) The petitioner shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings in pending cases, if any



10. The petition is disposed of accordingly.

JASMEET SINGH, J

JANUARY 28, 2025/DM

Click here to check corrigendum, if any