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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3832/2025**
SWATANTARA SINGHPetitioner

Through: Mr. Himanshu Jain, Mohd. Farooque
Malik and Mohd. Saleem, Advocates.

versus

THE STATE NCT OF DELHIRespondent
Through: Mr. Aashneet Singh, APP.
SI Sandeep Chauhan, P.S. Prem
Nagar.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **26.11.2025**

1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 751/2024 registered under Sections 318(4)/61(2)(b)/305/3(5)/ 338/336(3)/340(2) of the Bharatiya Nyaya Sanhita, 2023³ at P.S. Prem Nagar.

2. The case of the prosecution, in brief, is as follows:

2.1. The case arises from FIR No. 751/2024 registered on 18 December 2024 at Police Station Prem Nagar on the complaint of Kanchan. She alleged that after residing at her property at F-26, Inder Enclave Phase-2 for over two decades, she had shifted to her native village in 2022 due to her

¹ "BNSS"

² "Cr.P.C."

³ "BNS"



husband's illness. Her husband passed away in May 2024. Upon returning to the property in August 2024, she found one Jyoti residing there, who claimed to have purchased the property from the Applicant. The complainant alleged that during her absence, the property was illegally sold using forged and fabricated documents by Prem Singh and others, and that her household articles had also been removed.

2.2. During investigation, Jyoti stated that she had purchased the property for INR 26,00,000 from Swatantra Singh and Ankit, having paid INR 2,00,000 in cash as advance, INR 2,00,000 by cheque to Ankit, and the remaining INR 22,00,000 in cash at the time of execution of documents before the Sub-Registrar. She stated that she later discovered that the documents were forged.

2.3. Verification of the documents produced by Jyoti revealed that the stamp papers underlying the chain of documents, from Shesh Narayan to Rajpal to Swatantra Singh, were issued on dates later than those reflected in the purported execution of the documents, indicating that the ownership papers were fabricated.

2.4. Accused Ankit was subsequently apprehended. He disclosed that he, along with Swatantra, Sanju @ Sanjeev and Parvesh, had prepared forged documents of the property and cheated Jyoti of INR 14 lakhs. On his disclosure, the Applicant, Swatantra Singh, was arrested as the person who had executed the forged documents in favour of Jyoti. Police custody was obtained for both accused, though the origin of the forged documents could not be traced.

2.5. The Applicant forged and fabricated the documents of the complainant's property and, on the basis of those forged documents,



fraudulently sold the property to Jyoti after inducing her to part with money. The Applicant was arrested, the investigation was completed, and a charge-sheet has been filed. The matter is presently pending trial.

3. Counsel for the Applicant submits that the Applicant has been falsely implicated and the case is the result of a conspiracy engineered by the complainant along with Prem Singh. It is contended that even the documents produced by the complainant to assert ownership were found to be forged during investigation, and therefore the very foundation of the FIR is doubtful. The allegation that the Applicant cheated the complainant by dealing with the property is inherently improbable. It is further urged that the statements of Prem Singh in the charge-sheet and the supplementary charge-sheet are inconsistent, particularly regarding the return of the complainant's original documents, creating serious doubt about the prosecution version. The other co-accused have already been granted bail. His continued incarceration serves no purpose as investigation is complete and the charge-sheet has been filed. The Applicant is a bona fide purchaser who invested his own money in the transaction.

4. On the other hand, the APP for the State opposes the application and submits that the material on record shows the Applicant to be the principal offender who executed and used forged documents to deceitfully sell the property, thereby cheating not only the complainant but also the purchaser, Jyoti. It is pointed out that in her statement under Section 180 BNSS, Jyoti has categorically stated that the Applicant represented himself as the owner of the property, executed the documents in her favour, and received the sale consideration. The APP further submits that the role of co-accused Ankit is materially different, as he is shown only to have signed the documents as a



witness, while Ankita has been placed in Column 12 for lack of direct involvement; therefore, the Applicant cannot claim parity with them. It is argued that, given the nature of the allegations and the manner in which the offence was executed, there is a real possibility of the Applicant influencing witnesses or otherwise obstructing the trial if released on bail.

5. The Court has considered the record and the rival submissions. As per the nominal roll dated 14th November, 2025, the Applicant has remained in custody for about ten months. The investigation stands concluded and the charge-sheet has already been filed; therefore, further custodial interrogation of the Applicant is not required.

6. The rival contentions regarding the genuineness of the documents relied upon by the complainant as well as the alleged inconsistencies in statements or the sequence of events cannot be adjudicated at this stage and are matters to be tested at trial on the basis of evidence.

7. It is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.⁴

8. In view of the foregoing discussion, and bearing in mind that the Applicant has undergone substantial pre-trial custody and that investigation stands concluded with the relevant material already collected, this Court is of the opinion that further incarceration of the Applicant is not warranted. The apprehensions expressed by the State regarding the possibility of witness influence can be addressed by imposing appropriate conditions.

⁴ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



9. Accordingly, the Applicant is directed to be released on bail on furnishing a personal bond for a sum of INR 25,000/- with two sureties 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;
- 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.
- g. The Applicant shall report to the concerned PS on the first Friday of every 3 months;

10. 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.

11. 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.

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

SANJEEV NARULA, J

NOVEMBER 26, 2025

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