



2025:DHC:1887



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

% ***Pronounced on: 21st March, 2025***

+ **BAIL APPLN.4717/2024**

SIDDHARTH GUPTA

S/o Late Sh. Ashwani Gupta,
R/o A-109, Mohan Garden,
Uttam Nagar, Delhi.

..... Petitioner

Through: Mr. Sunil Dalal, Sr. Advocate along
with Mr. Anil Sharma, Mr. Aman
Bhardwaj, Mr. Arpit Sharma, Mr.
Nikhil Beniwal, Ms. Shipra Bali and
Ms. Riya Rana, Advocates.

versus

STATE (NCT OF DELHI)

Through SHO,
PS Mohan Garden,
New Delhi.

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC with Mr.
Arjit Sharma and Mr. Nikunj Bindal,
Advocates for the State with SI
Rakesh Kumar, Spl.Staff/Dwarka.
Mr. Akshay Chowdhary, Ms. Sonali
Madaan and Mr. Shivam Sharma,
Advocates for the Complainant.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T



NEENA BANSAL KRISHNA, J.

1. Bail Application under Section 482 read with Section 528 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* ('BNSS' *hereinafter*) has been filed on behalf of the *Applicant-Siddharth Gupta* seeking Anticipatory Bail in FIR No.461/2024 registered under Section 318(4) BNSS at Police Station Mohan Garden, Delhi.
2. The Applicant had filed an Anticipatory Bail Application before the learned ASJ/Special Judge (NDPS), Delhi, which was dismissed *vide* Order dated 16.12.2024 and hence, this Petition has been filed in this Court.
3. ***Brief facts*** as asserted by the Applicant, are that he had purchased property No.A-12, Mohan Garden, New Delhi in the year 2011 by virtue of a registered Sale Deed executed in his favour by the erstwhile owner and he is in possession of the subject property since then. The Complainant Dr. Ankita, who is the real sister of the Applicant, crafted allegations that property No.A-11 and A-12, Mohan Garden, New Delhi are ancestral properties left behind by their parents in which the Complainant, along with Applicant two other siblings by operation of law, have become co-owners, which is in complete negation of the registered Sale Deeds in favour of the Applicant.
4. The Complainant through *M/s Khaitan & Co. LLP* got a Caution Notice dated 02.11.2024 issued claiming that property No.A-12 Mohan Garden is the ancestral property, even though the Applicant had purchased the same *vide* registered Sale Deed.
5. The Applicant was further shocked to receive threats of false implication from his own siblings, who along with Police Officials, tried to



illegally take possession from the Applicant, which calls have been recorded by him.

6. Being aggrieved by the conduct of the officials of Police Station Mohan Garden, Applicant gave written Complaint dated 12.11.2024 to Commissioner of Police, Delhi. Since no action was taken on his Complaint by the Higher Authorities, and also to protect his property and rights which were sought to be circumvented by the Complainant, he filed a Civil Suit for Injunction in the Court of Sr. Civil Judge, Dwarka, wherein the Complainant as well as the Police Officials, were restraint from interfering in the peaceful possession of the Applicant in the suit properties.

7. Consequent upon the restraint Order granted by the learned Civil Court, in order to give colour to her designs, Complainant filed a Supplementary Complaint with intent to usurp the property of the Applicant and made unfounded allegations.

8. It is explained that the Property bearing No.E-20, Greater Kailash, Part-I, New Delhi ('G.K. Property' *hereinafter*) was purchased in the name of the mother for which a loan was taken by the Applicant and his mother from Kotak Mahindra Bank and also arranged money from his own funds and resources. Consequently, the mother executed a Will dated 03.03.2021 bequeathing 50% of undivided share in the G.K property in the name of the Applicant, while the remaining half belongs to the Complainant. The Complainant was aggrieved by the bequest of half of G.K. property in favour of the Applicant by their mother and thus, made baseless allegations in order to usurp the lawful bequest in favour of the Applicant.

9. The Will dated 03.03.2021 of the mother Smt. Santosh Gupta



bequeathing the property in favour of the Applicant was witnessed by her brother Shri Kailash Chand Aggarwal and daughter Ms. Shilpa Gupta, but only with an intent to entangle the property of the Applicant into a legal battle on the pretext of breach of peace in order to deprive the Applicant of optimum use of the properties purchased by him by making unfounded allegations, the Complainant intends the properties to be attached by the Police authorities and also to get a Receiver appointed.

10. It is asserted that there is a civil dispute pending adjudication before the competent Court of law and the endeavour of the Complainant under Section 164 of BNSS would not fructify under Section 165 of BNSS.

11. It is further stated that the Applicant is differently abled and has been framed falsely in the concocted case.

12. Further, the Applicant had extended financial help/friendly loan to the Complainant from time to time, in a total sum of Rs.2.71 Crores during the period from 17.06.2021 to 27.09.2023 in different trenches, out of which sum of Rs.43,50,000/- were repaid by the Complainant on 31.08.2023. She also issued a cheque dated 28.10.2024 for repayment of the part loan of Rs.2 Crores from her account, but it was dishonoured on presentation and a Notice under Section 138 NI Act had been issued to the Complainant, to which she has given a reply by making unfounded allegations. The Applicant seeks to file a Suit for Recovery for a total sum of Rs.2,17,50,000/- for recovery of the part loan amount, after giving adjustment of the payment made by the Complainant from time to time. It is alleged that in order to save herself, the Complainant had filed a Complaint on 01.11.2024 alleging the suit property to be ancestral, but she is



completely unaware about the true facts.

13. *The Applicant has sought the Bail on the grounds* that on coming to know about the true title of the Applicant *qua* the properties; the Complainant has improved upon her allegations as made in the Complaint originally on 01.11.2024 and has resorted to unfair means to implicate the Applicant in the false case. It is claimed that there is a Civil dispute between the Complainant and the Applicant.

14. The Applicant has further claimed that he had informed the I.O. that he would be travelling and would make himself available to the I.O. in order to facilitate the process of investigations, but this aspect has been completely overlooked by the learned ASJ while dismissing his Anticipatory Bail Application.

15. It is asserted that he has been falsely implicated and the present case is being used as an arm twisting tactic against the Applicant. Moreover, the Complainant has given alleged names of other co-accused as Varun Gupta and Ms. Urmila Goyal, who are non-existing persons against whom selective allegations have been made.

16. The Applicant further submits that he shall be bound by the conditions imposed while granting Bail.

17. ***The Status Report has been filed by the Prosecution*** wherein it has been explained that during the interrogation, the Applicant had produced the registered Sale Deed dated 25.10.2024, executed by Smt. Urmila in favour of the Applicant in respect of Plot No.A-11, Mohan Garden. The GPA dated 20.01.2001 in respect of this property executed in favour of Smt. Urmila by Smt. Santosh Gupta though has not been provided till date. Furthermore,



during the investigations Urmila Goyal did not cooperate and stated that she did not know the name of the owner from whom she had bought the property for which the papers had been notarized.

18. It is further stated that pursuant to Notice under Section 35(3) BNSS, the Applicant had joined the investigations and he disclosed that he was doing the whole sale business of PVC Pipes and Fittings from A-12, Mohan Garden, Delhi and that he in the year 2024, has purchased the adjacent plot i.e. A-11 from Urmila Goyal for a sale consideration of Rs.92,00,000/-. He further stated that initially there were two walls between the property No.A-11 and A-12 which were in dilapidated condition, but subsequently both the walls were demolished by the Applicant. He further disclosed that there was one gate each for the two properties, which were opening towards DK Road.

19. However, Ashutosh, son of Urmila on being questioned stated that there was only one gate in Plot No.A-11, Mohan Garden, but did not know the direction in which the gate opened.

20. It is asserted that Plot No.A-11 and A-12 have only one gate for entry and exit which is located at right side of Plot No.A-12 and that there was no partition wall between the two properties, but a fresh construction of partition wall was attempted to be done by the Applicant after registration of FIR, which is still not complete as a Police call was made by the Applicant. From the topography of both the plots, it is clear that there existed no wall between the two plots and inside, the L-type rooms of similar shape and structure are being made which appear to have been made at the same time.

21. Further, the Applicant has claimed that the original property papers that were executed between Smt. Santosh Gupta and Urmila Goyal have



been lost. It is stated that if in fact, the property papers had been lost, then the entire chain of documents would have been not available, but only two documents from the entire chain is claimed to have been lost, which smells of criminal conspiracy on the part of the Applicant. Moreover, the documents were reported to have been lost on 02.11.2024 i.e. the very next day on which the Complaint was lodged by the Complainant, Dr. Ankita.

22. It is further submitted that Smt. Urmila had stated that the entire sale consideration was paid in cash. Moreover, Rs.72,00,000/- have been transferred from the account of Siddharth to Urmila's bank account from 07.10.2024 to 10.10.2024. Furthermore, the balance amount of Rs.12,00,000/- has been transferred to the account of Kanchan daughter-in-law of Urmila and then from her account to the account of Applicant on 09.10.2024. Further, on 08.10.2024 an amount of Rs.12,00,000/- had been transferred from Urmila's account to one Madhu Sharma and then exactly the same amount has been transferred to the account of the Applicant on 09.10.2024. The entire money trail, therefore, shows that the amounts allegedly paid by the Applicant to Urmila Goyal, has been reverted to his account which further strengthens the conspiracy between Applicant, Urmila and others to usurp the joint property of the Complainant.

23. Furthermore, if Urmila was in possession of the suit plot for the last 23 years, there should have been Water, Electricity and Property Tax documents in her name, but none exist which again creates a suspicion about her being a genuine owner.

24. The Complainant-Dr. Ankita has given another Complaint dated 25.01.2025, wherein she has stated that there is another property of her



mother Santosh at Flat No.3502, Sanchar Vihar, Plot No.15, Sector 4, Dwarka, where the Applicant along with his wife Preeti and Smt. Urmila had made stake a claim of ownership on the basis of false documents, for which the officials of the Co-operative Society have made a Complaint in writing to the SHO, Dwarka North.

25. It is claimed that the custodial interrogation is required to recover the original Property papers executed between Smt. Santosh Gupta and Smt. Urmila Goyal. The rubber stamp used by the Applicant with other persons, to create fake notary papers and to trace other accused persons involved in the conspiracy, are yet to be recovered and the Applicant needs to be interrogated to discover the larger conspiracy.

26. Submissions heard and record perused.

27. Essentially, the Complainant-Ankita Gupta is the real sister of the Applicant who is claiming a right to the subject properties on the premise that they were ancestral properties and that she has a share in them. It is further claimed that on the basis of forged documents the Applicant is wrongly claiming to be the owner of the property.

28. Essentially, it is a dispute *inter-se* the brother and sister in regard to the suit properties. The Applicant has already joined investigations. Moreover, the two documents in original which are sought to be recovered, have been reported to have been lost. In any case, the photocopies of those documents are available.

29. In light of the aforesaid discussion, it emerges that the investigations are essentially based on the documents which have already been made available and on the ocular statements of the witnesses. Having regard to the



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aforesaid circumstances, it is directed that in the event of his arrest, the Petitioner shall be admitted to Anticipatory Bail by the Investigating Officer/Arresting Officer, subject to the following conditions:-

- (i) The Petitioner shall furnish a personal bond in the sum of **Rs.25,000/-** with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer.
- (ii) The Petitioner shall join the investigations, as and when called by the Investigating Officer.
- (iii) The Petitioner shall furnish his mobile phone number to the Investigating Officer on which he may be contacted at any time and shall ensure that the number is kept active at all times.
- (iv) The petitioner shall not contact, visit, or offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case.
- (v) The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that would prejudice the proceedings in the pending trial.

30. The Petition stands disposed of in the above terms.

(NEENA BANSAL KRISHNA)
JUDGE

MARCH 21, 2025

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