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

+ **BAIL APPLN. 4797/2024**

MOHD RAZIQUE AHAMAD

.....Petitioner

Through: Mr. S. K. Rai and Ms. Rupam
Kumari, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP.
SI Nitin, PS: Jamia Nagar.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
03.04.2025

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1. The present application filed 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. 196/2017 registered under Sections 406/420/506/34 of the Indian Penal Code, 1860³ at P.S. Jamia Nagar. Subsequently, a chargesheet has been filed and the Applicant has been charged under Sections 420/406/467/468/506 of IPC.

2. Briefly, the case of the prosecution is as follows:

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



2.1. The FIR was registered on 11th March, 2017 pursuant to directions issued by the concerned Metropolitan Magistrate under Section 156(3) CrPC. The Complainant, Usman Ahmed, asserts that he was the owner of certain agricultural land situated in Amroha, Uttar Pradesh. He was persuaded by two individuals, Wajid Hussain and Rashid Hussain, to sell the said land and instead purchase a residential property in Delhi. Acting on their advice, the Complainant was introduced to one Javed and his son Afaq, who in turn introduced him to Mohd. Razique Khan (the Applicant). The Applicant represented himself as the owner of property bearing No. R-95, admeasuring 50 square yards, situated at the rear portion of Khasra No. 209, Joga Bai Extension, Jamia Nagar, Delhi.⁴

2.2. The Complainant claims to have paid an amount of INR 10,00,000/- to the Applicant towards sale consideration for the said property. On 4th November, 2013, the Applicant is stated to have executed a series of documents in favour of Complainant, including a General Power of Attorney, Agreement to Sell, Affidavit, Will, Receipt and Possession Letter, assuring him that possession of the flat would be handed over. However, this promise was not fulfilled, leading to the registration of the FIR.

2.3. During the course of investigation, it was discovered that the subject property had already been sold by the Applicant to one Danish Khan on 24th September, 2013. In view of this development, Sections 467 and 468 IPC were subsequently invoked against the Applicant.

2.4. Since, the Applicant was absconding, Non-Bailable Warrants were issued against him on 26th February, 2024.

2.5. On 28th February, 2024, the Applicant was arrested in connection with

⁴ “the subject property”



FIR No. 405/2015, registered under Sections 420/406/468/471/34 of IPC at P.S. Jamia Nagar. Subsequently, on 2nd March, 2024, he was produced before the Court in the present matter under a production warrant, pursuant to which he was formally arrested and interrogated.

2.6. On 4th October, 2024, the FSL result of the documents was filed before the Court.

3. Counsel for the Applicant argues that the Applicant has been falsely implicated in the present case and asserts that the allegations, even if taken at face value, do not disclose his culpability. It is contended that the payment of INR 10,00,000/—, which forms the gravamen of the complaint, was allegedly received by Accused No. 2, Mr. Javed and not by the Applicant. He further relies on the Possession Letter, purportedly executed by the Applicant, which records that vacant and physical possession of the subject property had been handed over to the Complainant. He argues that, had possession in fact not been delivered, the Complainant would have taken appropriate legal recourse for repossession. Moreover, it is submitted that the Applicant was kidnapped by the Complainant and his associates, and was compelled under duress to sign certain documents.

4. Mr. Amit Ahlawat, APP for the State, opposes the bail application. He submits that allegations made in the FIR are grave in nature. He further argues that offence of Section 420 of IPC is clearly established as the Applicant had already sold the property in question to Danish before executing documents in favour of the Complainant. Further, the documents executed by the Applicant in favour of both the Complainant and Danish Khan have been examined and the FSL report has confirmed the authenticity of the Applicant's signatures. Mr. Ahlawat further points out that apart from



the present FIR, the Applicant has been implicated in other cases being FIR No. 197/2017 under Sections 420/468/471 of IPC; FIR No. 405/2015 under Sections 420/406/468/471/34 of IPC and FIR No. 239/2014 under Sections 420/468/471/406/506/34 of IPC, all registered at P.S. Jamia Nagar. The Applicant is a habitual offender and is likely to abscond if bail were to be granted.

5. The Court has considered the aforementioned contentions. The Applicant has been in custody since 2nd March, 2024. The investigation is complete and the chargesheet has been filed. Thus, keeping the Applicant in custody is no longer necessary for investigative purposes.

6. The defence taken by the Applicant, that his signatures on the relevant documents were extracted under duress, and that the sale consideration was paid to a third party (Mr. Javed) raises questions of fact that cannot be adjudicated at this stage. These assertions, along with the prosecution's case regarding double sale and alleged fabrication of documents, shall have to be tested during trial, based on oral and documentary evidence, including the forensic reports and witness testimonies.

7. Although the Applicant has been implicated in other criminal cases, it is also important to consider the specific circumstances of each case. In FIR No. 239/2014, the offence has already been compounded, suggesting that the matter has been amicably resolved. In FIR No. 405/2015, the parties are actively pursuing settlement. These developments, while not exonerating the Applicant, do reflect a degree of resolution and willingness to engage with the legal process.

8. As per the Nominal Roll, the Applicant has also been convicted in proceedings under Section 138 of the Negotiable Instruments Act, 1881 with



simple imprisonment for 3 months and fine of INR 7,60,000/-. This particular conviction, however, is not connected to the present allegations or transaction under scrutiny and does not directly impact the current case.

9. Considering the overall facts and circumstances of the case, 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/Jail Superintendent, on the following conditions:

- a. 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;
- b. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
- c. The Applicant shall appear before the Trial Court as and when directed;
- d. 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;
- e. 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;
- f. The Applicant shall report to the concerned P.S. on the first Monday of every month.

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.

13. The above bail is subject to Applicant securing bail in other cases, where he has been arrested for the offences related to those cases.

SANJEEV NARULA, J

APRIL 3, 2025

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