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

% *Date of Decision: 24.02.2026*

\+ **BAIL APPLN. 645/2024**

YUSUF KHAN .....Petitioner

Through: Mr. Rajat Aneja and Mr. Anant Chaitanya Dutt, Advocates.

versus

THE STATE (GNCT OF DELHI) THROUGH SHO .....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State with IO/SI Harish, PS Gandhi Nagar.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks anticipatory bail in case FIR No. 505/2022 of PS Gandhi Nagar for offence under Section 420/34 IPC.

2. This anticipatory bail application got listed before the predecessor bench for the first time on 22.02.2024 and vide order dated 28.02.2024, the predecessor bench granted interim protection from arrest. Thereafter, the application remained pending before different benches and has been assigned to this bench as a part of 179 old pending bail applications. Today being the first date before me, I have heard learned counsel for

accused/applicant and learned APP assisted by IO/SI Harish.

3. Broadly speaking, the allegation against the accused/applicant is that he took a loan in the year 2012 from Bank of India and mortgaged his immovable property, but without paying back the entire loan amount, he sold away the mortgaged property in the year 2015. The purchaser of the said property, further sold away the same. None of the purchasers lodged any criminal complaint against the accused/applicant. The FIR was registered on the complaint of the lending bank.

4. On behalf of accused/applicant, it is contended that a purely civil dispute of money lending has been given colour of criminality. Further, it is contended by learned counsel for accused/applicant and also reflected from orders of the predecessor benches, that the complainant *de facto* bank is already under process of One Time Settlement with the accused/applicant.

5. On the other hand, learned APP opposes this anticipatory bail application on the ground that selling a mortgaged property is clearly a case of cheating. Further, learned APP also submits that in his confessional statement, the accused/applicant stated before the IO that he sold away the mortgaged property as he was in need of funds.

6. Against the above backdrop, in order to understand the status of investigation, a query was put to the IO, and he stated that there is no allegation that the accused/applicant forged any of the chain of title deeds of

the subject property. It is also submitted by the IO that original chain of title deeds remains with the bank only.

7. Since the original title deeds remain with the bank, according to prosecution, there is no complicity of any bank employee in ensuring sale of the subject property.

8. So far as the argument that sale of mortgaged property is cheating, learned prosecutor in all fairness admits that usually, in such cases no criminal complaint is lodged by the banks. Further, it needs to be ruled out through full dress trial that the accused/applicant sold away the property to pay back the loan amount and meet other financial needs. Not every case of financial indiscipline can be treated as cheating, when it comes to complaint lodged by the lender. As mentioned above, the FIR was registered on the complaint of the lender bank and it is not that any of the buyers lodged any complaint alleging cheating. Rather, as submitted by learned counsel for accused/applicant, the buyers also never even filed any civil suit against the accused/applicant pertaining to the sale of the said property.

9. Considering the overall circumstances as described above, I find no reason to deprive the accused/applicant liberty. More so, because chargesheet has already been filed after completing the investigation.

10. The application is allowed and it is directed that in the event of his arrest, the accused/applicant shall be released on bail, subject to his

furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the IO/SHO concerned.

GIRISH KATHPALIA
(JUDGE)

FEBRUARY 24, 2026/*ry*