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

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\+ BAIL APPLN. 1401/2026 & CRL.M.A. 11067/2026

JOGINDER KAPOOR .....Petitioner

Through: Mr. Imran Ali, Advocate

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Manoj Pant, APP for the State with Mr. Divyang Kishwan, Adv.

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

<u>O R D E R</u>

% **15.04.2026**

<u>CRL.M.A. 11378/2026 (exemption)</u>

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

<u>BAIL APPLN. 1401/2026 & CRL.M.A. 11067/2026</u>

3. By way of the present application, the applicant is seeking grant of anticipatory bail in case arising out of FIR bearing no. 276/2025, dated 25.07.2025, registered at Police Station R.K. Puram, New Delhi, for the commission of offences punishable under Sections 318(4)/336(3)/340(2)/ 61(2) of the Bharatiya Nyaya Sanhita, 2023 (hereafter '*BNS*').

4. The brief facts of the present case, as borne out from the complaint, are that the complainant came into contact with the applicant, Joginder Kapoor, through co-accused Mohd. Irshad. It is alleged that co-accused

Mohd. Irshad frequently visited the complainant along with the present applicant. It is alleged that, on one such occasion, the applicant and co-accused Mohd. Irshad represented to the complainant that they were the joint owners of two plots bearing Nos. A-101 and A-102 situated in JJ Colony, Sector-03, Papan Kalan, Dwarka, and expressed their intention to sell the same to the complainant at a price of Rs. 50 lakhs. Further, it is alleged that both of them thereafter took the complainant to Sector-03, Papan Kalan, Dwarka, and showed him the aforesaid plots, on which two rooms had been constructed and which were stated to be lying vacant. It is further alleged that when the complainant sought to inspect the title documents of the said plots, he was informed by the applicant and co-accused Mohd. Irshad that the documents would be shown to him on the following day. Thereafter, co-accused Mohd. Irshad allegedly produced two sets of stamp papers in his own name in respect of Plot Nos. A-100 and A-101, Sector-03, Papan Kalan, Dwarka, New Delhi, whereas the applicant represented that the remaining original documents were in his possession. After a few days later, the applicant and co-accused Mohd. Irshad again met the complainant at RK Puram Sector-06 and represented that the applicant had connections in the DDA sale office and could facilitate verification of the records. Pursuant thereto, on 17.02.2023, the applicant and co-accused Mohd. Irshad allegedly came to the said place along with another person, who was introduced as an official from the DDA office, and showed certain documents purportedly relating to the aforesaid plots. Thereafter, the applicant allegedly demanded a sum of Rs. 50,000/- towards "service charges" from the complainant to give to the official from the DDA office, however, transferred Rs. 30,000/- to co-accused Mohd. Irshad through

PhonePe. It is further alleged that the applicant and the co-accused induced the complainant to part with money on different occasions on the pretext of sale of the aforesaid plots, and in this manner, a total sum of Rs. 23 lakhs was allegedly taken from the complainant by them. Thereafter, when the documents pertaining to the said plots were handed over to the complainant, he noticed certain discrepancies therein. Upon verification, he allegedly discovered that the documents were forged and fabricated and that the plots stood in the name of some other person.

5. The learned counsel appearing on behalf of the applicant argues that the applicant is being falsely implicated in the present case. He states that the complainant in this case is a Police Officer and the allegation that he had paid Rs. 23 lakhs in cash in itself is not only an offence, but there is also no receipt for payment of the said amount. The learned counsel further states that even if any financial transaction has taken place, it has taken place between the co-accused Irshad and not with him. He further states that he has also joined the investigation and cooperated in the same. The learned counsel further submits that there is a delay of 1½ years in the registration of the present FIR. He also states that the offence in question, if any, has taken place within the jurisdiction of Dwarka, whereas the present FIR has been registered at Police Station R.K. Puram, by giving a complaint directly to the ACP, R.K. Puram, where the complainant was posted. It is thus prayed that the applicant be granted anticipatory bail.

6. The learned APP for the State, on the other hand, argues that 12 criminal cases were registered against the present applicant, out of which 06 have been compounded, which were of similar nature i.e., cheating. It is also stated that the police are in possession of an audio recording, wherein the

applicant can be heard asking the complainant to pay the amount in cash. He also states that the custodial interrogation of the applicant is required, since his voice sample is to be taken, for the purpose of sending the same to the FSL. It is thus prayed that the application seeking anticipatory bail be dismissed.

7. This Court has heard arguments addressed on behalf of the learned counsel appearing for the petitioner as well as the learned APP for the State, and has perused the material available on record.

8. In a nutshell, the allegations levelled against the applicant are that he, in connivance with co-accused Mohd. Irshad, deceitfully induced the complainant to part with a sum of Rs. 23 lakhs on the representation that the plots bearing Nos. A-101 and A-102 Sector-03, Papan Kalan, Dwarka are owned by them and would be transferred in his favour.

9. This Court notes that the applicant has previous criminal antecedents and has been found to be involved in 13 criminal cases, including the present one, of a similar nature. Out of the said cases, 6 have already been compounded, whereas the remaining cases are still pending against the applicant. The same prima facie indicates that the applicant has been continuously involved in acts of cheating and dishonestly extracting money from others.

10. This Court further notes that the documents relating to the aforesaid property, which were shown to the complainant by the applicant and co-accused Mohd. Irshad, were subsequently verified by the concerned authority and were found to be forged and fabricated. It has further been revealed that the said plots stood in the name of some other person, though the accused has misrepresented that he was the joint owner of the plots.

11. The complainant has alleged that he paid an amount of Rs. 23 lakh in cash to the applicant. In this regard, the learned APP, on instructions received from the IO, played an audio recording before this Court in which the applicant is allegedly heard specifically insisting that the said amount be paid in cash only. It is pertinent to note that the custodial interrogation of the applicant is required for the purpose of obtaining his voice sample so as to compare the same with the voice contained in the aforesaid audio recording.

12. The allegations against the present applicant are specific inasmuch as he, along with the co-accused, is alleged to have deceitfully obtained Rs. 23 lakhs from the complainant and forged the documents pertaining to the property in question. Further, the applicant is stated to have been involved in similar offences in the past, which lends further credence to the allegations against him.

13. Therefore, in view of the foregoing discussion, this Court is not inclined to grant anticipatory bail to the applicant.

14. Accordingly, the present application stands disposed of.

15. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

16. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 15, 2026/rr
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