



2026:DHC:229



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

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*Reserved on: 15th October, 2025
Pronounced on: 12th January, 2026*

+ **CRL.M.C. 2985/2024, CRL.M.A. 11536/2024 (for interim directions), CRL.M.A. 24957/2025 (for filing additional documents), CRL.M.A.24958/2025 (Exemption)**

KULDEEP SUGANDH

Son of Late Shri Babulal Sugandh
House No. WZ-315-A,
Lajwanti Garden,
New Delhi 110046

.....Petitioner

Through: Mr. Gaurav M. Liberhan, Mr. Nishant Datta, Mr. Chirag Rathi, Mr. Dinesh Kashyap, Mr. Aayush Kumar, Mr. Sumant Vyas, Advocates.

Versus

1. STATE OF NCT OF DELHI

Through SHO,
Email: dhcprosecutiondelhipolice@gmail.com

2. JITIN PAL SINGH PAHWA

Resident of House No. 3614,
DLF Phase-IV, Chakarpur (74),
Gurgaon, Haryana- 122002

...Respondents

Through: Mr. Ajay Vikram Singh, APP for the State with Insp. Deepak Kumar Yadav, PS Mayapuri.
Mr. Vikas Pahwa, Senior Advocate with Mr. Ayush Puri, Mr. Sultan Haider Jafri & Ms. Urvija Sharma, Advocates for R2.



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CRL.M.C. 4687/2024, CRL.M.A. 17488/2024 (for interim direction), CRL.M.A. 24959/2025 (for additional documents), CRL.M.A.24960/2025 (Exemption)

KULDEEP SUGANDH

S/o Late Shri Babulal Sugandh
R/o WZ-315-A,
Lajwanti Garden,
New Delhi 110046

.....Petitioner

Through: Mr. Gaurav M. Liberhan, Mr. Nishant Datta, Mr. Chirag Rathi, Mr. Sumant Vyas, Mr. Dinesh Kashyap, Mr. Aayush Kumar, Advocates.

versus

1. STATE OF NCT OF DELHI

Through SHO,

Email: dhcprosecutiondelhipolice@gmail.com

2. GUNVEEN PAL SINGH,

S/o Surinder Pal Singh,
R/o 1402, Olive Tower,
The Salcon Verandas,
Golf Course Road, Gurgaon,
Haryana-122011

...Respondents

Through: Mr. Ajay Vikram Singh, APP for the State with Insp. Deepak Kumar Yadav, PS Mayapuri.
Mr. Anirudh Bakhru & Mr. Shadmaan Siddiqui and Mr. Vaibhav Prasad Singh, Advocates for R2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T



NEENA BANSAL KRISHNA, J.

1. The two Petitions under Section 482 Cr.P.C. have been filed on behalf of the *Petitioner/Kuldeep Sugandh*, for the recall of the Order dated 04.04.2024, *vide* which the *Accused No. 3/Jitin Pal Singh Pahwa*, and Order dated 18.05.2024, *vide* which the *Accused No. 2/Gunveen Pal Singh* in the respective Petitions, have been granted Bail in FIR No. 83/2023 by the learned ASJ, Tis Hazari, Delhi.
2. The *facts in brief* are that the Complainant is the absolute owner of the property bearing No. WZ-315A, admeasuring 145 Sq. Yds., Khasra No. 276, 277, Village Nangal Raya, known as Lajwanti Garden, New Delhi, along with his brother, *vide* Sale Deed dated 05.11.2019. His three brothers/co-owners relinquished their rights in the subject property *vide* Relinquishment Deed dated 16.08.2018, whereby the Complainant/Petitioner became the absolute owner.
3. In the year 2019, the *Accused No. 3/Jitin Pal Singh Pahwa*, along with *Accused No. 2/Gunveen Pal Singh*, introduced themselves as property brokers and got a deal negotiated between the Complainant and the Accused Nos. 1 and 4, who were the original owners, for the purchase the property bearing No. G-34, Green Park, New Delhi. In lieu thereof, the Complainant agreed to sell his property at Lajwanti Garden, New Delhi, to them. It was further agreed that part payment for the Green Park property would be made by the sale of the Lajwanti Garden property of the Petitioner and the differential amount of Rs. 1 Crore shall be paid in addition. The commission of Respondent was agreed to be Rs. 20 lakhs, payable after the final mutual transfer of both properties.



4. The Complainant made a total payment of Rs. 70 lakhs through his bank transfers, into the account of Accused No. 1. The original documents of both properties were exchanged in December 2022, and the original documents of the Green Park property were handed over to the Complainant through Accused Nos. 1, 2, 3, and 4. The Complainant, however, sought some time to vacate the suit property as he required time to shift out in a hurry because the documents had to be executed.

5. The Complainant executed a Power of Attorney in favor of the *Accused No. 3/Jitin Pal Singh Pahwa*. However, subsequently, the Complainant came to know that the *Accused No. 3/Jitin Pal Singh Pahwa*, along with *Accused No. 2/Gunveen Pal Singh*, unauthorizedly executed two registered Sale Deeds dated 28.12.2022, registered on 30.12.2022. The Green Park property was sold to a third party on 16.11.2022 despite having received the payment of Rs. 70 lakhs from the Complainant.

6. A Civil Suit bearing *CS(OS) No. 39/2023 titled 'Kuldeep Sugandh vs. Ajit and Ors.'* for cancellation of the Sale Deed dated 29.12.2022 and for recovery of Rs. 2.24 lakhs and Mandatory Injunction was filed under the Specific Relief Act, wherein an Ex-parte Interim Injunction was granted in favor of the Complainant by this Court, vide Order dated 20.01.2023.

7. On 21.04.2023, the present FIR No. 0083/2023 was registered against nine Accused, including Accused Nos. 2 and 3, the Respondents herein. They were arrested on 24.06.2023 and were remanded to Police custody. Thereafter, Accused Nos. 2 and 3 filed an Application for Bail before the learned M.M., which was dismissed on 21.08.2023.

8. Thereafter, they both moved another Application for Bail before the learned ASJ, which got dismissed on 18.10.2023. Thereafter, they both



again moved another Bail Application on 23.12.2023 before the learned ASJ, but the same was withdrawn by both the Accused persons on 10.01.2024.

9. Thereafter, Jitin Pal Singh moved another Bail Application on 04.03.2024 before the learned ASJ, which was allowed *vide* the impugned Order dated 04.03.2024, and Gunveen Pal Singh moved another Bail Application on 04.03.2024 before the learned ASJ, which was allowed *vide* the impugned Order dated 18.05.2024.

10. The Petitioner, aggrieved by the grant of Bail, has challenged the Orders of Grant of Bail, **on the grounds** that the earlier Bail Application of Respondent No. 2 was dismissed on 18.10.2023 by the same learned ASJ. There **was no change of circumstances** and no ground for the grant of Bail. Reliance is placed on *State of Madhya Pradesh vs. Kajad*, decided by the Apex Court on 06.09.2021. It is submitted that in the absence of a change in circumstances at the time of passing the impugned Order, makes it bad in law.

11. Moreover, the **gravity of the offense and the nature of the criminal conspiracy between Respondent No. 2 and the other Accused**, were not considered.

12. Furthermore, the **Accused have not cooperated in the investigation**. The two original title documents have to be recovered, aside from the recovery of Rs. 2 Crores which was paid by the Applicant into the account of co-accused Ajit and which has been credited to the account of co-accused Ajit through the bank account of Respondent No. 2.

13. It is further submitted that Respondent No. 2 has adopted ***a similar modus operandi*** in various other cases to commit fraud, cheating, and



forgery on numerous persons. *There are five other cases* against the Accused persons from 2014 to 2023. It is apparent that **he is a habitual offender** and is running an Organized Crime Syndicate with the object of gaining unlawful pecuniary benefits and gaining undue economic advantages for himself. The Complainant has already moved a Complaint dated 31.10.2023 before the Commissioner of Police, Delhi, for invocation of the provisions of the MCOCA Act in the present case.

14. It is further submitted that this Court had dismissed the Bail Application of the Accused persons vide Order dated 12.03.2024. The Order was duly conveyed to the learned ASJ, despite which Bail has been granted to Accused Nos. 2 and 3.

15. The role of Accused Nos. 2 and 3 which was most active, has not been appreciated by the learned ASJ. Moreover, Accused Nos. 2 and 3 are *high flight risks* and are *likely to abscond* from the process of law. It is further asserted that the learned ASJ has failed to appreciate that vide Order dated 19.03.2018, Respondent No. 2 was declared an Absconder by the learned MM in CT Cases 1515/2015 and 462789/2016.

16. The Chargesheet, which was filed in the Court on 16.09.2023, clearly mentions the amounts transferred from the bank account of the Complainant to that of the co-accused Ajit through the account of the Applicant. Moreover, Respondent No. 2 has received an amount of more than Rs. 35 lakhs in his account.

17. The Accused persons, in their Affidavit of Admission/Denial filed in the Civil Suit CS(OS) 39/2023, have admitted the screenshots of the Receipt dated 06.08.2022, which clearly establishes their involvement and link with co-accused Ajit, who is the recorded owner of the property in Green Park.



Furthermore, the Accused have admitted the screenshots of the Account details of co-accused Ajit, which were sent to them on 16.11.2022. The FSL Report confirms the genuineness of the Complainant's CCTV recordings, wherein the Accused can be seen taking cash and jewelry items and making an endorsement on the Receipt dated 21.08.2022.

18. Furthermore, this Receipt and the endorsement have been analyzed by FSL and the Report has been submitted along with the Supplementary Chargesheet in the Court. The handwriting of Respondent No. 2 in writing the words "Rs. 1,54,00,000/- 23.10.2022" is confirmed to be that of Respondent No. 2 in the FSL Report. This FSL Report was submitted in the Civil Suit before this Court in a sealed cover, though it has not been opened as yet.

19. There is a strong likelihood that the original Sale Deed dated 30.06.2022 given to the Complainant by co-accused Ajit, along with Respondent No. 2 and Gunveen Pal Singh, is a forged Deed. However, this can be determined only once the FSL Report is made available.

20. The contentions of the Complainant were duly appreciated by the learned ASJ while rejecting the earlier Bail Application vide Order dated 18.10.2023.

21. The observations of the learned ASJ in the impugned Order that the Applicants had no involvement; that they were Property Dealers and that there is no evidence of forgery, aside from being highly prejudicial to the case of the Prosecution on merits, are unwarranted and baseless.

22. The forgery of the Sale Deed is evident on the face of it and so is the criminal conspiracy in which Jitin Pal Singh Pahwa was involved. It has been ignored that close to half of the amount, i.e., Rs. 35 lakhs transferred to



the bank account of Ajit, was transmitted through the account of Respondent No. 2.

23. The involvement of Respondent No. 2 is also made out from the fact that the title documents of the Lajwanti Garden property exchanged with co-accused Ajit were recovered from the residence of Respondent No. 2. It was no one's case before the learned ASJ that the Complainant had asked the co-accused Gunveen Pal Singh to execute the Sale Deed in favor of Jitin Pal Singh Pahwa.

24. There is no explanation forthcoming which confirms whether Gunveen Pal Singh and Respondent No. 2, had ever agreed to purchase the property from the Complainant himself. As per the Complaint dated 09.01.2022 made to the Sub-Registrar by the Complainant, the Accused persons were stated to be acting as Property Dealers. This contention has found favor in the Order of Bail. However, if they were merely Property Dealers and offered to sell the property of the Complainant for Rs. 13,00,00,000/-, then it is not conceivable that he would purchase the same property for only Rs. 1.24 crores.

25. *Cheating* has been committed by the two Respondents, which is evident from the Chargesheet and the Supplementary Chargesheet filed in the Court. There is no explanation forthcoming from him in regard to the nature of the transaction which led to the execution of the Sale Deed of the property at Lajwanti Garden.

26. It has also not been noticed by the learned ASJ that no sale consideration or TDS was paid by Respondent No. 2 in respect of this Sale Deed dated 29.12.2022 in regard to the Lajwanti Garden property.



27. No explanation has been given as to why he shared/sent the Account details of the co-accused Ajit as the property was already in dispute.

28. It is, therefore, submitted that the Bail Order has been erroneously made in favor of Respondent No. 2 and the same may be cancelled.

29. The Petitioner has placed reliance on the judgment of State vs. Captain Jagjit Singh, 1960 SCC OnLine SC 2; State of Maharashtra vs. Sitaram Popat Vetal, (2004) 7 SCC 521; Ram Govind Upadhyay vs. Sudarshan Singh, (2002) 3 SCC 598; Anil Kumar Yadav vs. State (NCT of Delhi), (2018) 12 SCC 129; State of M.P. vs. Kajad, (2001) 7 SCC 673; Prasanta Kumar Sarkar vs. Ashis Chatterjee, (2010) 14 SCC 496; Kalyan Chandra Sarkar vs. Rajesh Ranjan, (2004) 7 SCC 528; Neeru Yadav vs. State of U.P., (2016) 15 SCC 422; Mahipal vs. Rajesh Kumar, (2020) 2 SCC 118; Deepak Yadav vs. State of U.P., (2022) 8 SCC 559; Umesh Verma vs. State, BAIL APPLN. 3788/2022; Ashok Dhankad vs. State of NCT of Delhi and Anr., 2025 SCC OnLine SC 1690; Y. vs. State of Rajasthan and Anr., 2022 SCC OnLine SC 458; Ajwar vs. Waseem and Anr., (2024) 10 SCC 768; State of Rajasthan vs. Indraj Singh Etc., 2025 SCC OnLine SC 518; Meena Devi vs. State of Uttar Pradesh, (2022) 14 SCC 368; Manik Madhukar Sarve and Ors. vs. Vitthal Damuji Meher and Ors., (2022) 14 SCC 368; Munnesh vs. State of Uttar Pradesh, Centrum Financial Services Limited vs. State of NCT of Delhi and Anr.; Kusha Duruka vs. State of Odisha, 2024 (4) SCC 432; Rajnit Singh vs. State of M.P. and Ors.; Prashant Singh Rajput vs. State of Madhya Pradesh, 2021 SCC OnLine SC 919.

30. ***The Status Report has been filed on behalf of the State*** in both the Petitions, wherein the details of the facts have been narrated. It is submitted



that the two Respondents are the Property Brokers who had offered to get the sale of the property in Green Park at a reasonable price to the Complainant and also to facilitate the sale of the Complainant's property located at Lajwanti Garden. During the negotiations, Ajit and Dhankesh Yadav, the two absolute owners of the Green Park property, had met the Complainant along with the two Respondents.

31. Furthermore, the negotiations were finalized for the exchange of the Lajwanti Garden property of the Complainant with the Green Park property, as the Circle Rate and the Market value of both properties were almost the same. It was further agreed between the parties that the Sale Deeds would be executed in respect of both properties on the same day and that they shall bear the sale consideration of Rs. 3,80,00,000/-.

32. It was further agreed that the sale consideration shall be paid by each party to the other upon receipt of the entire sale consideration by both parties. The Sale Deeds were accordingly executed simultaneously on the same date.

33. The Complainant made a payment of Rs. 21 lakhs to the co-accused Ajit, owner of the Green Park property, through the Respondents respectively. The Receipt dated 06.08.2022 was sent to the mobile phone of the son of the Complainant by Respondent Jitin Pal Singh Pahwa. This payment was made by the Complainant to both Respondents in respect of his residence at Lajwanti Garden.

34. The Complainant also made a payment of Rs. 56,00,000/- in cash to the Respondents, Gunveen Pal Singh and Jitin Pal Singh Pahwa, who told the Complainant that they had collected the amount on behalf of co-accused Ajit, which was documented vide Receipt dated 10.08.2022.



35. In the month of November 2022, the Complainant and all the Accused persons, including the two Respondents, decided to move ahead with the aforesaid arrangement. A meeting was organized, and the Complainant handed over the original documents of the Lajwanti Garden property to the Respondents, in return for which they handed over the Sale Deed of the Green Park property, which was in the name of co-accused Ajit and Dhankesh Yadav, dated 30.06.2022. It is further submitted that the Sale Deed handed over to the Complainant by the Accused persons was found to be fake when verified from the office of the Sub-Registrar.

36. The Complainant had made further payment through a bank account to co-accused Ajit in the sum of Rs. 70,00,000/-. The account details of co-accused Ajit had been sent to the Complainant by the Respondent, Jitin Pal Singh Pahwa, through a WhatsApp message on 16.11.2022. Both Respondents had also made a payment of Rs. 19,00,000/- through electronic fund transfer to the bank account of the Complainant on behalf of co-accused Ajit and Dhankesh Yadav towards the entire payment of the sale transactions in regard to the Lajwanti Garden property.

37. During the investigations, the payments were verified, which had been made to the two Respondents and to co-accused Ajit. The Accused persons, in fact, had been returning the amounts paid by the Complainant himself to create the entries. After the exchange of Title documents, both Respondents managed to win the trust of the Complainant and also assured that the Sale Deeds of both properties would be executed simultaneously in January 2023.

38. The registered Special Power of Attorney dated 20.12.2022 was executed in favor of Gunveen Pal Singh. The Respondents thereafter, started



delaying the matter on one pretext or the other. Subsequently, on checking, it was found that the two Sale Deeds had been executed on 29.12.2022 in favor of the two Respondents, which were registered on 30.12.2022. A Civil Suit has already been filed in respect of these transactions. During the investigations, it was found that the Green Park property had been sold by others, to Rubel Florist Pvt. Ltd.

39. The Accused persons had taken hefty amounts/jewelry from the Complainant for the Green Park property, and even an SPA had been registered in his name on a false pretext. The three Accused namely the two Respondents, Gunveen Singh and Jitin Pal Singh Pahwa, were arrested on 24.06.2023, while co-accused Dhankesh Yadav was arrested on 24.06.2023.

40. The Bail of these Respondents was vehemently opposed by the Complainant on the ground that no permanent address was furnished. There were huge amounts received from the account of Jitin Pal Singh. There was CCTV footage corroborating the receiving of money/endorsements being made on the Receipt dated 21.08.2022. The co-accused Ajit was still

41. The Respondents have placed reliance on the judgments in Dolat Ram vs. State of Haryana, (1995) 1 SCC 349; Directorate of Enforcement vs. Ratul Puri, 2020 SCC OnLine Del 97; Sanjay Chandra vs. CBI, (2012) 1 SCC 40; Dharamvir @ Kalu vs. The State & Anr., Bail Application No. 96/2022 decided on 27.10.2022; Ankit Mishra vs. State of Madhya Pradesh & Anr., 2025 SCC OnLine SC 809; Ms. X vs. State of Karnataka & Ors., CrI. P. No. 4598/2020 decided on 05.11.2020; Prabhkar Tewari vs. State of U.P., (2020) 11 SCC 648; Monu @ Vinesh vs. State of NCT of Delhi, Bail Appln. No. 1843/2024, 2024: DHC: 7761; Kamal Singh vs. State of Haryana, CRM M 48825 of 2022.



Submissions Heard and Record Perused.

42. The first ground of challenge to the impugned Order vide which Bail has been granted to the two Respondents, is that *there was no change in circumstances* since the rejection of the last Bail Application by the learned ASJ *since 18.10.2023*, wherein all the relevant factors were considered and Bail was denied. The Court had considered the nature of allegations against the two Respondents and also that the other co-accused had not been arrested and there was a likelihood of tampering with the evidence and that the Charges were still to be framed, the Bail Applications were dismissed.

43. However, in the impugned orders dated 04.03.2024, while granting Bail, it was noted in the impugned Bail Orders that the Chargesheet had been filed before the learned M.M. in September 2023. The Supplementary Chargesheet got filed after the dismissal of the First Bail Application of the Applicants on 18.10.2023. The learned ASJ further noted that there was a material development in the investigations and the Applicants were entitled to the grant of Bail on merits. It could not be ignored that the Applicants had been in custody for the past ten months and the trial was at the very same stage as on the date when the earlier Bail Application was rejected. The *cause of delay* may not be so material since a speedy trial cannot be at the cost of fairness and justice. The long custody of the Respondents constituted a material change in the circumstances entitling them to Bail.

44. The learned ASJ had thus, given a *reasoned Order explaining the change in circumstances*, which essentially was the passage of time since the rejection of the last Bail Application and also that the trial had not proceeded further despite the lapse of about six months since October 2023.



45. It has been held by the Supreme Court in the case of Union of India v. K.A. Najeeb, (2021) 3 SCC 713 that if the timely trial is not possible, Courts should ordinarily release the undertrials on bail and statutory restrictions do not exclude discretion of the constitutional Courts to grant bail on the ground of fundamental right enshrined in Part III of the Constitution. The Personal Liberty guaranteed by Part II of the Constitution, would cover not only the protective but also bring within its ambit due procedure and fairness and also access to speedy trial.

46. Therefore, the grant of Bail *vide* the impugned Orders to the Respondents, cannot be faulted.

47. The **second aspect** which has been agitated is that the co-accused who had not been arrested in the present case were absconding. However, it has been submitted during the arguments that co-accused Ajit and Dhankesh were arrested. In any case, merely because the other co-accused have not been arrested or the investigations are pending against them, cannot be a ground to grant Bail to the Respondents who have been in judicial custody since 24.06.2023.

48. The next ground, on which the impugned Order of Bail was challenged, was **the gravity of the offense**. However, as has been noted in detail by the learned ASJ, the investigations had already been completed, and not only was the Chargesheet filed before the learned M.M. in September 2023, but the Supplementary Chargesheet along with the result of the FSL, has already been filed in the Court. The investigations vis-à-vis the two Respondents stood concluded. Whatever money trails had to be traced, and the genuineness of the Sale Deeds or the GPA that was to be ascertained



or the evidence to be collected in regard to the various aspects of the alleged crime, had already been collected.

49. There is no averment that the *custodial interrogation* of the Respondents was required or that there were further investigations required to be carried out against the two Respondents, who were the two Property Brokers involved in getting the transactions finalized between the owner of the Green Park property and in respect of the Lajwanti Garden property of which the Complainant was the owner. Furthermore, *it is not under challenge that a Civil Suit has already been filed by the Complainant in respect of the alleged transactions.*

50. In so far as **the involvement of the Respondents in other cases** is concerned, it has been submitted that they were on Bail in the cases. Moreover, some of the cases have been compromised while others are pending trial. The pendency of the other cases cannot per se, be a ground to deny Bail. In the facts of the present case, it is the Triple Test which has to be satisfied for the grant of Bail.

51. There is no circumstance from where it could be inferred that both Respondents are *flight risks or are likely to abscond*. Likewise, since the investigations already stand completed, there is no apprehension of them *tampering with the evidence*. There is no averment of the Respondents tampering with or influencing the witnesses. It cannot be overlooked that most of the investigation is in the nature of documents.

52. The ***Triple Test*** being satisfied by the two Respondents, coupled with the likelihood of the long time which may be taken in conclusion of the trial, the learned ASJ has rightly granted Bail to the two Accused. Even after the filing of this Petition for Cancellation of Bail in 2024, there are no



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circumstances to show that this liberty of Bail has been misused by the two Respondents in any manner.

53. There is no infirmity in the impugned Orders of the learned ASJ granting Bail to the two Respondents.

54. The Petitions are accordingly **dismissed** and stand disposed of along with the pending Application(s).

(NEENA BANSAL KRISHNA)
JUDGE

JANUARY 12, 2026/RS