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

% *Date of Decision: 29.10.2026*

\# **CNR No. DLHC010404002026**

\+ **BAIL APPLN. 3561/2026 & CRL.M.A. 26520/2026**

SHAHBAZ ALI@ SABBU .....Petitioner

Through: Mr. Anil Kr. Basoya, Mr. Akshat Bisht, Mr. Priyanshu Bidhuri and Mr. Bijender Rathi, Advocates.

versus

STATE NCT OF DELHI AND ANR .....Respondents

Through: Mr. Amit Ahlawat, APP for State with Ms. Megha Garg, Advocate with SI Sunil, PS Jamia Nagar.
Mr. Amjid Maqbool and Ms. Nikita Kumari, Advocates for complainant.
Complainant appearing through videoconferencing.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The applicant/accused seeks regular bail in case FIR No. 482/2025 of Police Station Jamia Nagar, District South-East, Delhi for offence under Section 318(4) / 338 / 329(4) /333 /305 /336(3) /340(2) /339 /317(2) /61(2) /3(5) BNS.

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2. In furtherance of last order, status report was filed. I have heard learned counsel for accused/applicant and learned APP for State assisted by IO/SI Sunil. I have also heard learned counsel for complainant *de facto*.

3. Broadly speaking, the prosecution case is as follows. The complainant *de facto* purchased a flat from the builder namely, Khurram in the year 2017. Being a resident of Kashmir, the complainant *de facto* handed over keys of his flat to the caretaker namely, Aslam so that as and when the complainant *de facto* would come to Delhi, he could stay in that flat. On 05.11.2025, the complainant *de facto* was informed by Aslam that the latter had allowed his acquaintance namely, Shahbaz Khan (*the present accused/applicant*) to stay with his family for a few days but was not vacating the same. The complainant *de facto* came to Delhi and met the accused/applicant and his family. The accused/applicant stated that he had purchased that flat from Nadeem by way of General Power of Attorney executed in favour of Arshi, wife of the accused/applicant. On the basis of complaint lodged by the complainant *de facto* an FIR was registered and chain of title documents was recovered by the IO from both set of claimants, i.e., the complainant *de facto* and the accused/applicant. According to prosecution side, the documents produced by the accused/applicant were found to be forged.

4. Learned counsel for accused/applicant submits that the investigation is complete and chargesheet has already been filed, so no purpose would be served by keeping the accused/applicant in jail. It is also submitted by

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learned counsel that pertaining to title of the subject flat, a civil suit is already pending between the parties. It is also submitted that the co-accused persons have already been granted bail. Therefore, according to learned counsel, the accused/applicant deserves to be released on bail.

5. Learned APP for State opposes the bail application on the ground of gravity of offence of forgery of the title documents. It is submitted by learned APP that in the allegedly forged documents, one of the witnesses denied having signed the same and even the notary concerned denied having notarized those documents.

6. Learned counsel for complainant *de facto* also opposes the bail application on the ground that the subject flat had market value of approximately Rs. 45,00,000/-, but the transaction documents propounded by the accused/applicant show that the same was sold by the complainant *de facto* for Rs. 18,50,000/- on 19.06.2025 to Shagufta, from whom the same was sold to Nadeem on 23.06.2025 for Rs. 19,00,000/- and from Nadeem it was sold to Arshi wife of the accused/applicant for Rs. 19,50,000/- on 01.07.2025. This according to him shows the forgery.

7. For convenience, the chain of transactions as explained by the IO is narrated as follows. The complainant *de facto* purchased the subject flat from Khurram and according to prosecution, the complainant *de facto* never sold the subject flat to anyone further. But according to the

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accused/applicant, the subject flat was sold by complainant *de facto* to Shagufta, who sold the same to Nadeem and finally Nadeem sold the same to Arshi, who is wife of the accused/applicant. All these sale transactions were only through unregistered, but notarized General Power of Attorneys. According to prosecution, the General Power of Attorney purportedly executed by complainant *de facto* to Shagufta is forged one, though the subsequent General Power of Attorneys from Shagufta to Nadeem and from Nadeem to Arshi are genuine.

8. Against the above backdrop, a specific query is put to learned APP as to what evidence has been collected by the IO in order to connect the present accused/applicant with the alleged forgery of the General Power of Attorney purportedly executed by the complainant *de facto* in favour of Shagufta. It is submitted by learned APP that the only evidence in this regard are the disclosure statements of Shagufta, Nadeem and Arshi, incriminating the accused/applicant; and the telephonic connectivity between the present accused/applicant and Shagufta, Nadeem and Arshi by way of their Call Detail Record (CDR). There is no other evidence to connect the accused/applicant with the alleged offence, according to learned APP.

9. As repeatedly held by this Court, mere telephonic connectivity on the basis of CDRs cannot be treated as incriminating evidence, unless there is evidence of interception of phone calls to ascertain as to what was being spoken between the two concerned persons. The other piece of evidence

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against the accused/applicant being the confessional statements of the co-accused persons when they were in custody cannot be read against the present accused/applicant. There is no other evidence against the accused/applicant to connect him with the alleged offence. Further, admittedly parties are already before the civil court of competent jurisdiction through a civil suit. The co-accused Arshi and Shagufta have already been granted bail by the Court of Sessions.

10. Considering the above circumstances, I do not find any reason to deprive further liberty to the accused/applicant. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the Trial Court/Duty Magistrate.

11. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

12. Pending application also stands disposed of.

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GIRISH KATHPALIA
(JUDGE)

OCTOBER 29, 2026/*dr*

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