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

+ BAIL APPLN. 3802/2025 & CRL.M.A. 32138/2025
MUKESH KUMAR SHARMAPetitioner
Through: Mr. Chirag Anand & Mr. Harpreet
Singh, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI)Respondent
Through: Mr. Yudhvir Singh Chauhan, APP
for State.
Mr. Amit Chadha, Senior
Advocate with Mr. P.K. Tyagi, Mr.
Sheetesh Khanna, Mr. A.P.
Tripathi & Mr. Kautik Wadhwa,
Advocates for Complainant.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **06.04.2026**

1. By way of this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks anticipatory bail in connection with FIR No. 283/2025, dated 09.07.2025, registered at Police Station Mansarovar Park, under Sections 420/468/120B/34 of the Indian Penal Code, 1860 ["IPC"].

2. The petitioner was granted interim protection *vide* order dated 06.10.2025, *inter alia* recording as follows:

"6. Mr. Santosh Kumar Tripathi, learned Senior Advocate appearing on behalf of the petitioner submits that the present FIR has been lodged with mala fide intent and is a result of property dispute between the petitioner and the complainant's side. It is submitted that the petitioner had purchased property bearing no. 1/560, Moti



Ram Road, Ram Nagar, Shahdara, Delhi, from its lawful owner, Mr. T.R. Dubey, vide registered sale deed dated 01.11.2021, after due payment of consideration. It is further submitted that civil litigations between the parties are already pending, and the present criminal case is only an attempt to exert pressure and to grab the petitioner's property. It is argued that the petitioner had cooperated with the investigation and has already joined the same pursuant to interim protection granted by the learned Sessions Court.

7. *Per contra, learned APP for the State, assisted by contending that the petitioner has relied upon a will which was registered nearly four years after the demise of the testator, thereby making it suspicious and indicative of fabrication. It is further urged that the present case involves serious allegations of forgery and cheating in relation to immovable property, and custodial interrogation of the petitioner is necessary to ascertain the extent of the conspiracy.*

8. *It is further brought to the notice of this Court that two civil proceedings, i.e. ARC No. 416/2019 titled "Abha Aggarwal v. Bal Kishan Sharma" and Execution No. 178/2021 titled "Abha Aggarwal v. Bal Kishan Sharma", are pending between the complainant and the petitioner's father.*

9. *Having heard learned counsel for the parties and peruses the record, it appears that there exist rival versions in respect of the ownership of the property in question. The documents relied upon by both sides require verification during investigation. The Court notes that the petitioner has expressed willingness to cooperate with the ongoing investigation.*

10. *Without commenting on the merits of the case, it is directed that the petitioner shall continue to cooperate with the investigation and appear before the Investigating Officer as and when called.*

11. *In the meantime, no coercive action shall be taken against the petitioner till the next date of hearing."*

3. By order dated 20.11.2025, it was recorded that Investigating Officer required some more time to verify the genuineness of the will relied upon by the petitioner.

4. On the next date of hearing, i.e. 19.02.2026, an adjournment was sought by learned counsel for the petitioner, and on 23.03.2026, learned counsel for the petitioner sought time to file documents. However, no documents have been filed.



5. When this bail application was first taken up for hearing today, a passover was sought on behalf of learned counsel for the petitioner. Although the request was opposed by Mr. Amit Chadha, learned Senior Counsel, appearing for respondent No. 2-complainant, the matter was passed over until after the hearing of other bail applications on Board. The application was thereafter called out for the second time, when a second passover was sought. However, the request was declined. Mr. Harpreet Singh, learned counsel, appeared on video conference, and stated that the main counsel would be joining the proceedings through video conference.

6. Mr. Yudhvair Singh Chauhan, learned Additional Public Prosecutor, has filed two status reports. In the first status report, it is stated that the FIR was registered at the instance of complainant alleging cheating, forgery and criminal conspiracy, under Sections 420/468/120B/34 of IPC, and Section 467 of IPC was added thereafter. The allegation against the petitioner is that he has usurped a portion of property measuring 168 sq.yds. out of a total property of 1,030 sq.yds. situated at 1/560, Village Chandrawali, Moti Ram Road, Ram Nagar, G.T. Road, Mansarovar Park, Shahdara, Delhi-110032, on the basis of two alleged sale deeds dated 01.11.2021, stated to have been executed in his favour by co-accused T.R. Dube. The chain of documents included an alleged will dated 14.04.2011, stated to have been executed by Smt. Urmila Jindal, who is the mother of one of the complainants, i.e. Abha Aggarwal. It is stated in the status report that the alleged will was registered only on 21.10.2021, approximately ten years after it was made, and nearly four years after her death. The alleged will bequeaths the property in question, to the extent



of 168 sq.yds, to the co-accused T.R. Dube. Further, there were civil proceedings between the petitioner's father and the complainants and their family members, in which the original will was not produced. In fact, according to the status report, the alleged will was first relied upon only on 05.06.2025. In the course of investigation, the petitioner has joined investigation and produced the alleged original will, sale deed and bank statements. However, the Investigating Officer ["IO"] has stated that the cheques issued towards the alleged sale consideration in favour of the petitioner were never cleared in the bank account of co-accused T.R. Dube, giving rise to suspicion that the sale transactions were, in fact, sham and fraudulent in nature.

7. In the second status report, the IO has mentioned that the alleged will and the admitted signatures of Smt. Urmila Jindal were forwarded to the Forensic Science Laboratory ["FSL"], Rohini, for examination, and the FSL report has found that the questioned signature did not match with the admitted signatures of the testatrix. A copy of the FSL report has handed up in Court, and is taken on record.

8. Mr. Chirag Anand, learned counsel, who has filed the *vakalatnama* on behalf of the petitioner, appeared through video conference. He submits that the petitioner is not, in fact, the beneficiary of the will in question, and that the petitioner has also brought a private FSL report, in which the signature of the testatrix in the will is stated to have matched with her admitted signature.

9. The present petition is for anticipatory bail. The investigation is still ongoing. As far as anticipatory bail is concerned, the Supreme Court



has clearly held in *Srikant Upadhyay and Ors. v. State of Bihar and Anr.*¹, that the remedy is an extraordinary one, and must be granted only upon a judicious consideration of the public interest in a thorough and effective investigation, balanced with the interest of the accused in his personal liberty. The relevant observation is reproduced hereinbelow:

“30. We have already held that *the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the court depending on the facts and circumstances of each case.* While called upon to exercise the said power, *the court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence.* We shall not be understood to have held that the court shall not pass an interim protection pending consideration of such application as the section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases.....”²

10. The Supreme Court has also consistently held that custodial interrogation is far more effective than interrogation which is clothed with protection of the Court. Reference in this connection may be made to the judgment of the Supreme Court in *State v. Anil Sharma*³, which observed as follows:

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the

¹ (2024) 12 SCC 382.

² Emphasis supplied.

³ (1997) 7 SCC 187.



suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”⁴

The same view has been expressed in *P. Krishna Mohan Reddy v. State of A.P.*⁵

11. Further, the discretion conferred upon the Court while adjudicating an application for anticipatory bail is to be exercised with due circumspection. Even if custodial interrogation may not be required, other considerations, such as the *prima facie* material available, have to be examined. In this context, reference may be made to the judgment of the Supreme Court in *Sumitha Pradeep v. Arun Kumar C.K.*⁶, wherein it was observed as under:

*“12. We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like Pocs0 and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. **Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an***

⁴ Emphasis supplied.

⁵ 2025 SCC OnLine SC 1157, paragraph 19.

⁶ 2022 SCC OnLine SC 1529.



application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”⁷

12. In the present case, the offence under Section 467 of IPC, pertaining to forgery of valuable securities, wills etc., is a serious offence, punishable with imprisonment for life. The *prima facie* material includes the FSL report relied upon by the prosecution. While the reliability of the prosecution’s FSL report and the private FSL report will be tested at trial, at this stage, the report of the State FSL, relied upon by the prosecution, is *prima facie* against the genuineness of the alleged will. It is also significant that the alleged will was registered four years after the death of the testatrix, and ten years after it was allegedly made. The material pointed out in the status report with regard to the lack of effective consideration for the purported transactions of sale between Mr. T.R. Dube [beneficiary of the alleged Will], and the present petitioner, also lends *prima facie* credibility to the prosecution case.

13. Having regard to all the above factors, I do not consider this to be an appropriate case for grant of anticipatory bail in connection with FIR No. 283/2025, dated 09.07.2025, registered at Police Station Mansarovar Park, while the investigation remains ongoing.

⁷ Emphasis supplied.



14. The bail application is therefore dismissed.

PRATEEK JALAN, J

APRIL 6, 2026

'pv'/AD/