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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 4302/2025

RAJIV CHAWLA

.....Petitioner

Through: Mr. Saroj Kumar Singh and Mr.
Varun Jain, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State.
SI Dhananjay Gupta, P.S.: Kirti
Nagar.
Mr. Jitin Kumar, Mr. J.K. Sharma and
Mr. Rahul Chaudhary, Advocate for
complainant with complainant in
person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

06.04.2026

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By way of the present petition filed under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 the petitioner seeks anticipatory bail in case FIR No.554/2021 dated 13.12.2021 registered under sections 420/120B of the Indian Penal Code, 1860 ('IPC') at P.S.: Kirti Nagar, West Delhi.

2. Investigation in the case is complete; and chargesheet dated 14.12.2023 has been filed. *Vidé* order dated 11.08.2023, the petitioner was declared a 'proclaimed person.' Subsequently, the offence under section 174A of the IPC has also been added to the chargesheet.
3. *Vidé* order dated 23.09.2025, the petitioner's anticipatory bail was rejected by the learned Sessions Court.



4. Notice on this petition was issued by the learned Predecessor Bench *vidé* order dated 12.11.2025. On that date, notice was issued to the complainant as well.
5. The complainant is present in court today. She is also represented by counsel.
6. Learned counsel for the petitioner submits, that as would be seen from a perusal of the subject FIR, the petitioner has had no transaction with the complainant; and the essence of the allegation is, that the petitioner alongwith his wife had transferred a certain property in favour of 03 other co-accused persons, who subsequently transferred the same to the complainant. The allegation is that the property transferred by the petitioner and his wife to the co-accused persons was mortgaged with a lending institution.
7. Ms. Shubhi Gupta, learned APP for the State takes preliminary objection to the maintainability of the present anticipatory bail petition, submitting that since the petitioner has been declared a 'proclaimed person'; and has subsequently also been charge-sheeted for the offence under 174A of the IPC, the present petition is not maintainable in view of the verdict of the Supreme Court in ***Srikant Upadhyay & Ors. vs. State of Bihar & Anr.***¹
8. That apart, learned APP submits, that the petitioner is one of the primary accused persons in the matter, since the title to the property (which was mortgaged with a lending institution) vested in the petitioner and his wife. Besides, it is submitted, that though the

¹ (2024) 12 SCC 382



complainant has compromised the matter with the other 03 co-accused person, she has not settled the matter with the petitioner.

9. Since order dated 23.09.2025, whereby the petitioner's anticipatory bail plea was dismissed by the learned Sessions Court, has not been placed on record, and, instead, by inadvertence the order of the petitioner's wife in the same matter has been filed, learned APP has handed-up a copy of the order in the petitioner's case. The same is taken on record.
10. Learned APP submits, that as recorded in order dated 23.09.2025 passed by the learned Sessions Court, it appears that the petitioner and his wife were fully aware of the pendency of the proceedings before the learned Magistrate, since the petitioner's brother, who was called for investigation, was residing at the same address as the petitioner.
11. Furthermore, learned APP submits, that as recorded in order dated 23.09.2025, the petitioner and his wife had also attempted to settle the matter with the complainant; and had handed-over copies of certain demand drafts towards that settlement, but thereafter, the petitioners did not act on the settlement and did not pay any money to the complainant.
12. The complainant has also been heard. She states, that the petitioner and his wife had sought to settle the matter with her and had also promised her a certain sum of money, but they never paid-up.
13. Upon conspectus of the foregoing, and in particular in view of the verdict of the Supreme Court in *Srikant Upadhyay*, since the petitioner has already been declared a 'proclaimed person', and has



now also been charge-sheeted under section 174A of IPC, this court is not inclined to entertain the present anticipatory bail plea.

14. The petition is accordingly dismissed.
15. Pending applications, if any, disposed-of.

ANUP JAIRAM BHAMBHANI, J

APRIL 6, 2026/hb