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

+ **BAIL APPLN. 4693/2025**

JAGDISH KUMR

.....Petitioner

Through: Mr. Shahid Azad, Ms. Riya
Khandelwal, Ms. Akansha Mishra
and Mr. Hitesh Vashisth, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State
along with WSI Chanchal.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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12.01.2026

1. By way of the present application, the applicant seeks grant of anticipatory bail in case FIR bearing No.188/2015, registered at Police Station Prahaladpur, Delhi, for the commission of offences punishable under Sections 420/448/468/471/506 of the Indian Penal Code, 1860 (hereafter '*IPC*').

2. Brief facts of the present case, as alleged by the complainant, are that the complainant was the owner in possession of two plots bearing Nos. G-6 and G-7, situated in Khasra No. 316 at Vishwakarma Colony, Pul Prahladpur, New Delhi, having purchased the same on 10.11.1995 through duly registered documents, including a General Power of Attorney, Will, Agreement to Sell, affidavits and consideration receipts. It was stated that



since the date of purchase, the complainant had remained in peaceful and continuous possession of the said plots. It was alleged that the applicant Jagdish Kumar, with dishonest and mala fide intent, had attempted to illegally grab the said property. On multiple occasions, he is stated to have created nuisance, accumulated waste material on the plots, caused damage thereto, and obstructed the construction of boundary walls, thereby compelling the complainant to make several complaints to the police. The proceedings under Sections 107/151 of Cr.P.C. had been initiated against the accused, during which he had failed to produce any ownership documents and had pleaded guilty, pursuant to which he had been bound down by the learned Special Executive Magistrate. Despite the same, the accused was alleged to have continued to intimidate neighbours and contractors and, upon being called by the police, to have produced forged and fabricated title documents. Consequently, the present FIR came to be registered.

3. The learned counsel for the applicant/accused argues that the FIR pertains to the year 2015, whereas the charge-sheet was filed before the learned Metropolitan Magistrate only on 31.01.2023, after an inordinate delay of nearly eight years. Thereafter, the learned Magistrate took cognizance of the matter on 28.03.2023 and issued summons against the applicant/accused. However, the said summons were never received by the applicant/accused, as they were issued at the address of Plot No. G-6, Vishwakarma Colony, Pul Prahladpur, New Delhi, which is the disputed property and is stated to belong to the complainant, and not the place where the applicant/accused was residing. It is further argued that the proclamation under Section 82 of the Cr.P.C. was also issued at the very same address where the applicant/accused did not reside, a fact which stands corroborated



by the statement of the process server. Consequently, the applicant/accused had no knowledge of the issuance of summons or the proclamation proceedings. Owing to the said circumstances, the applicant/accused could not appear before the Trial Court, and by order dated 26.03.2024, the learned Metropolitan Magistrate declared him an 'absconder'.

4. The learned APP for the State, on instructions from the concerned Investigating Officer (IO), admits that though the accused has been declared a proclaimed offender, he was served at a different address, which was admittedly the vacant plot and not the address mentioned in the chargesheet.

5. This Court has **heard** the learned counsel on behalf of the applicant and the learned APP for the State, and has perused the material on record.

6. This Court notes that the present FIR pertains to the year 2015. After a lapse of nearly eight years, the chargesheet was filed on 31.01.2023 before the learned Trial Court. Thereafter, on 28.03.2023, cognizance of the alleged offences was taken, and summons were issued against the applicant. Subsequently, upon the applicant's failure to join the trial proceedings, proclamation under Section 82 of the Cr.P.C. was issued. Thereafter, by order dated 26.03.2024, the learned Metropolitan Magistrate declared the applicant as an 'absconder'.

7. On 26.03.2024, the statement of the process server was recorded by the learned Metropolitan Magistrate, wherein the process server deposed that the applicant was not found at the given address, i.e., H. No. G-8, Vishwakarma Colony, New Delhi, and that the said premises were found to be vacant at the time of his visit. It was further stated that the proclamation under Section 82 of the Cr.P.C. was publicly read in the said locality and



that a copy thereof was affixed on the broken wall of the aforesaid plot, as well as on the notice board of the Court.

8. It is to be noted that such service cannot be considered to be an effective or valid service of notice upon the applicant/accused. Further, it is also to be considered that the I.O. has also admitted the fact that the applicant/accused was served on the wrong address.

9. Considering the overall facts and circumstances of the case, and the fact that the applicant did not have the knowledge of the trial proceedings as the address on which the applicant/accused was served was wrong, this Court is *inclined to grant anticipatory bail* to the applicant/accused. Accordingly, in the event of arrest, the applicant shall be released on his furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the SHO/I.O concerned on the following terms and conditions:

- i) The applicant shall remain available on mobile numbers; shared by him with the Police.
- ii) The applicant shall not leave the country without prior permission of the concerned Court.
- iii) The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.
- iv) In case of a change of residential address/contact details, the applicant shall promptly inform the same to the concerned I.O/SHO

10. Accordingly, the present application stands allowed and is disposed of.

11. It is, however, clarified that nothing expressed hereinabove shall



tantamount to an expression of opinion on merits of the case.

12. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JANUARY 12, 2026/A

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