



2026:DHC:8539



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

% **Date of Decision: 28th September, 2026**

CNR No. DLHC010740542025

+ **BAIL APPLN. 3741/2025**

DINESH

.....Applicant

Through: Mr. Praveen Goswami and Mr. Rohit,
Adv.

versus

STATE OF DELHI

.....Respondent

Through: Mr. Vikram Singh, APP
SI Rahul Ranjan, PS Harsh Vihar
Mohd. Shamikh, Adv. for
Complainant with complainant in
person
M: 9999727247
Email:
mohdshamikhadvocate@gmail.com

CNR No. DLHC010741492025

+ **BAIL APPLN. 3761/2025**

SANNU

.....Applicant

Through: Mr. Praveen Goswami and Mr. Rohit,
Adv.

versus

THE STATE OF DELHI

.....Respondent

Through: Mr. Vikram Singh, APP
SI Rahul Ranjan, PS Harsh Vihar
Mohd. Shamikh, Adv. for



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Complainant with complainant in person

M: 9999727247

Email:

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CNR No. DLHC010827282025

+ **BAIL APPLN. 4082/2025 & CRL.M.A. 31747/2025**

YOGESH KUMAR ALIAS BALLI

.....Applicant

Through: Mr. Praveen Goswami and Mr. Rohit, Advts.

versus

STATE OF DELHI

.....Respondent

Through: Mr. Vikram Singh, APP
SI Rahul Ranjan, PS Harsh Vihar
Mohd. Shamikh, Adv. for
Complainant with complainant in person
M: 9999727247

Email:

mohdshamikhadvocate@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (Oral):

1. The present applications have been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), read with Section 528 of the BNSS, seeking grant of anticipatory bail in connection with the First Information Report ("FIR") being *FIR 0401/2025* dated 25th July, 2025, registered under Sections 420/467/468/471/120B/448 of the Indian Penal Code, 1860 ("IPC"), at Police Station ("PS") Harsh Vihar, North East District, Delhi.



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2. Learned counsel appearing on behalf of the applicants submits that the applicant in *BAIL APPLN. 3761/2025* is an 83 years old man, and that applicants in *BAIL APPLN. 3741/2025* and *BAIL APPLN. 4082/2025* are his sons.
3. It is submitted that the applicants by way of a registered General Power of Attorney (“GPA”), Will, Agreement to Sell and other documents, had purchased the property bearing no. *H. No. 251*, measuring area *125 sq. yards*, out of *Khasra No. 25/11*, in the *abadi* of *Ganga Sahai Colony, Village Mandoli, Illaqa Shahdara, Delhi*, on 17th January, 2000, from Sh. Ashok Kumar, son of Sh. Tej Pal, which was executed in favour of Sh. Yogesh Kumar, son of Sh. Sannu Ram, who are the applicants in *BAIL APPLN. 4082/2026* and *BAIL APPLN. 3761/2025*, respectively.
4. Learned counsel appearing on behalf of the applicants has informed this Court that the applicants have been in possession of the property in question since the year 2000, after having purchased it from one Ashok Kumar.
5. Thus, it is submitted that the said GPA was executed in the year 2000, and the present FIR has been lodged only belatedly in the year 2025.
6. It is also submitted on behalf of the applicants that the present matter is only a civil dispute, on the basis of which an FIR has been lodged.
7. Learned counsel appearing for the applicants has informed this Court that pursuant to directions issued in the present proceedings, the applicants have already joined the investigation and there is no need for securing custody of the applicants.
8. He submits that all the relevant documents *qua* the purchase of the property in question, have already been given to respondent no. 2, i.e., the



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complainant.

9. It is submitted that the applicant in *BAIL APPLN. 4082/2025* had earlier instituted a suit for permanent injunction, being *CS 79/2003*, against respondent no. 2, in respect of the property in question. The said suit was dismissed. The appeal against the dismissal of the suit, being *RCA 37/2011*, was also dismissed. It is only thereafter that the present FIR was lodged.

10. It is further submitted that respondent no. 2 has not initiated any civil litigation against the applicants. Thus, it is submitted that when respondent no. 2 was already in the possession of all the property documents since the year 2003, i.e., when the suit for permanent injunction was filed by the applicant in *BAIL APPLN. 4082/2025*, there is no occasion for respondent no. 2 to now register an FIR in the year 2025. Accordingly, it is submitted that anticipatory bail be granted to the applicants, since the applicants are ready to cooperate in the investigation.

11. *Per contra*, learned Additional Public Prosecutor (“APP”) for the State submits that the documents as submitted by the applicants have been verified and it has come to the attention that the same are forged documents. It is on the basis of these forged documents that the applicants have been seeking ownership to the property in question.

12. It is submitted that the applicants have taken water and electricity connections and that the Police requires the documents on the basis of which the said connections were obtained.

13. It is further submitted that upon verification by the Police, it has come to the fore that the registered GPA as executed by Shri. Ashok Kumar in favour of Yogesh Kumar, i.e., the applicant in *BAIL APPLN. 4082/2025*, pertains to *Khasra No. 25/11*, however, in the Sub-Registrar Office Records,



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Khasra No. 26/11/2 has been mentioned.

14. It is also submitted that Sh. Ashok Kumar, from whom the property was allegedly purchased is also not traceable.

15. Learned counsel appearing for the complainant is also present before this Court, and submits that on the basis of the complaints made by the complainant, the electricity and water connections which had been taken by the applicants, have been disconnected.

16. He further submits that the applicants have wrongly contended that the electricity connection was taken in the year 2003, since the same was taken only in the year 2025.

17. He also submits that the property in question, i.e., *Plot No. 25/11* has been grabbed by the applicants only after the dismissal of the civil suit and the appeal thereto, i.e., *CS 79/2003* and *RCA 37/2011*, respectively.

18. He thus submits that it is only now that the cause of action has arisen against the applicants, on account of which *FIR 0401/2025* has been lodged.

19. Rebutting the aforesaid submissions, learned counsel appearing for the applicants submits that since the document was executed by Sh. Ashok Kumar way back in the year 2000, the applicants are not in touch with him after a passage of 25 years. He submits that the applicants have already supplied the last known address of Sh. Ashok Kumar, which they were aware of.

20. Having heard learned counsels appearing for the parties, this Court notes that the suit for permanent injunction filed by Sh. Yogesh Kumar, i.e., the applicant in *BAIL APPLN. 4082/2025*, was dismissed by the Senior Civil Judge-cum-Rent Controller (North East District), Karkardooma Courts Delhi, *vide* judgment dated 09th March, 2011.



21. In the said judgment, it is clearly noted as follows:

“xxx xxx xxx

13. Defendant no.1 on the other hand has taken the defence that the suit property is situated in khasra no.25/10/2 and not in khasra no.25/11. He also claimed that he had purchased the suit property from one Sh. Mohar Singh in the year 1989 alongwith his two relatives namely Smt. Chander Kanta and Smt. Sucheta Gupta and is in possession of the same. It has further been stated that the plaintiff is neither the owner nor in possession of the suit property and the documents filed by him are forged and fabricated. The plaintiff is seeking the relief of declaration of title under the garb of injunction and the present suit is not maintainable. It has also been submitted that plaintiff has failed to examine any independent witness to prove the alleged incidents of cause of action and has not placed on record any complaint to any authority. It has also been argued that the documents produced by the plaintiff cannot be received in evidence as per Sections 49 of the Registration Act and the plaintiff has also failed to place on record the previous chain of title deeds. The documents Ex.PW-1/1 to PW-1/4 are manipulated and forged by the plaintiff. Khasra number on the title documents filed by the plaintiff has been altered by scratching / removing and defendant has filed and proved the certified copies

of GPA Ex.PW-1/D1 and the Will Ex.DW-2/2 from the records of office of the sub registrar which clearly state the khasra no.26/11/2. Defendant has also relied upon number of judgments in support of his arguments viz. :

- 1) *Madan Lal Vaid Vs. Nand Kumar Wolia*, 2002 (1) RCR (Civil) 435;
- 2) *Ram Chander Sakha Ram Mahajan Vs. Damesdar Triembak Tanksale*, (2007) 6 SCC 737;
- 3) *M/s. Roy & Co. Vs. Nani Bala Dey & Ors.*, AIR 1979 Calcutta 50;
- 4) *Ram Bhajan & Anr. Vs. Abdul Rahman & Ors.*, AIR 1997 Allahabad 17;
- 5) *S.P. Chengalwaraya Naidu (Dead) by LRs Vs. Jagannatah (Dead) by LRs & Ors.*, JT 1993 (6) SC 331;
- 6) *Vimla Devi Gaur Vs. Anil Kumar Jain & Ors.*, 2001 (1) CCC 389 (Allahabad);
- 7) *Bloom Dekor Ltd. Vs. Subhash Himatlal Desai & Ors. & Bloom Dekor Ltd. Vs. Arvind B. Sheth & Ors.*, (1994) 6 SCC 322;
- 8) *Veeraraghava Nayagar Vs. Alagiya Manavala Perumal Temple*, 2005 (2) CCC 156 (Mad.);
- 9) *Anand Deo Giri Vs. District Judge Allahabad & Ors.*, 1980 (6) ALR 15;
- 10) *M/s. Polymer Papers Ltd. Vs. Gurmit Singh & Ors.*, AIR 2002 Delhi 530;
- 11) *M/s. Seemax Construction (P) Ltd. Vs. SBI & Anr.*, AIR 1992 Delhi 197 and
- 12) *Paras Ram Vs. Sukhdeo Prasad*, 1980 ALR 586, Second Appeal No.2933 of 1972 decided on 4.7.1980.



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17. As regards the claim of possession to the suit property, the plaintiff in his cross examination has admitted that the receipt Mark A issued by the MCD neither bears the khasra number of the property nor bears the property number. He also admitted that letter issued Residents Welfare Association Mark B has been issued in the name of his brother and it does not bear his name or the property number. He also denied the letter Mark D issued by Ashok Rajput and testified that he has not got the documents mark D prepared from Sh. Ashok Rajput, Advocate and again said that he does not remember if he got this letter prepared from the said Advocate. No other documentary or oral evidence has been produced by the plaintiff to show that he is in possession of the suit property. The plaintiff has also not produced any documents to show that he is running his tyre cutting business from the suit property which could have established the factum of his possession in the suit property.

xxx xxx xxx”

22. Perusal of the aforesaid judgment clearly shows that a defence was categorically raised on behalf of respondent no. 2 herein that the applicants herein are not in possession of the property in question.
23. It has also been categorically recorded that the stand taken by respondent no. 2 herein was to the effect that the applicants herein are neither the owner nor in the possession of the property in question. Furthermore, the Court, as aforesaid, categorically recorded that there was no documentary or oral evidence produced by the applicants herein to show that they were in possession of the property in question.
24. This Court notes that the aforesaid judgment has attained finality, as the appeal preferred thereagainst by the applicants, has also been dismissed.
25. Upon a pointed query by this Court, learned counsel appearing for the applicants confirms the fact that there is no other appeal which is pending against the judgment dated 09th March, 2011, passed in *CS 79/2003* and the



judgment on appeal dated 01st May, 2014, passed in *RCA 37/2011*.

26. This Court notes the submission made by learned APP for the State that the documents as provided by the applicants are forged documents. A Status Report has been filed on behalf of the Police as signed by the Station House Officer (“SHO”), PS Harsh Vihar, wherein, it is stated as follows:

“xxx xxx xxx

6. That in 2003 Yogesh Kumar S/o Sannu Ram filled a civil suit no. 79/2003 **for permanent injunction** on the ground that he is running the job of old tyre cutting under the name of M/s Deepanjali Old tyre cutting on the said plot and he possessed the plot since his purchase. He alleged in the suit that Shiv Kumar is trying to grab the said property and tried to dispossess him from the property he be directed not to obstruct.
7. That the court mentioned in judgement dated 2011 that the plaintiff (Yogesh) failed to establish his possession and title on the said plot. The court decided the issue in favor of defendants (Shiv Kumar) and against the plaintiff (Yogesh) and dismissed the suit for permanent injunction. That later on Yogesh filled one revision petition in district court and in 2014 the court dismissed the same.



8. On enquiry, it is found that the front wall of the said plot was constructed by Yogesh recently 2-3 months ago and also applied for the electricity connection. However Ram Lal one of the people who sold plot to complainant Shiv Kumar told on enquiry that he and his brother Mohar Singh had sold the said plot to Shivkumar and his relatives Chanderkanta. Another neighbor residing in adjacent plot to the disputed plot namely Ganga Saran s/o Sh Attar Singh stated that plot is owned by Shivkumar. They both also stated that alleged Yogesh and his family has been claiming the plot for many years and keeps on using it in the absence of Shivkumar who resides away. Whenever Shivkumar comes he moves away but now Yogesh has erected a wall and gate permanently and locked it.

9. That as the claim of Yogesh in respect of possession and title of said property already dismissed by hon'ble court but he has erected the front wall and installed a gate. Yogesh with his associates in pursuance of criminal conspiracy has prepared forged documents of the plot by altering Khasra No. as well as name of original land lord Bhagwani Devi in his chain of documents.

10. That after seeking approval from worthy DCP North East the above-mentioned case was registered and the investigation taken up.

11. That during the investigation the certified copy of GPA and Receipt executed by Ashok in favour of Yogesh was obtained and in which Kh. No. 26/11/2 is mentioned. That the accused Yogesh and applicant Dinesh



and Ashok in pursuance of criminal conspiracy made forged paper and grabbed the hard earned property of complainant.

12. That the advocate Nanumal in his written reply stated that he did not sign and draft any documents executed between Bhagwani W/o Dharma and Ashok.

13. That after dismissing the civil suit filed by accused Yogesh, he and his mentioned family members forcefully grabbed the said plot by erecting wall installed gate and also installed electricity meter vide CA No. 154865038 in May 2025.

14. That the certified documents submitted in BSES by Yogesh (applicant) for obtaining an electricity connection on the said plot were received from BSES. On perusal of these documents, it was found that he had used another forged chain of documents and a forged NOC to obtain the electricity connection for the said plot. It was further found that the applicant Yogesh had taken a forged NOC from one Kusum and used a forged chain of documents in the name of Kusum for the said plot.

15. That the above-mentioned Kusum submitted a complaint stating that Dinesh (brother of Yogesh) had taken the documents of her plot bearing H. No. 294, Gali No. 07, Mandoli Extension, Delhi, on the pretext of arranging an electricity connection for her plot, as Dinesh claimed to know someone in BSES who could easily provide the connection. Kusum also



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stated that she has no property in Ganga Sahai Colony and that Dinesh and Yogesh prepared forged documents in her name and also forged her signature on the said documents.

16. That the accused persons have now prepared another forged chain of documents in the name of Kusum for obtaining the electricity connection on the said plot.

17. That the accused Yogesh was previously involved in FIR No. 551/2002 under Sections 307 IPC & 27 Arms Act, PS Nand Nagri, and FIR No. 381/2002 under Sections 323/356/506 IPC, PS Nand Nagri, Delhi.

xxx xxx xxx”

27. Perusal of the aforesaid Status Report filed by the Police clearly brings to the fore that that the applicant in *BAIL APPLN. 4082/2025* was also previously involved in other FIRs. Thus, it is clear that the said applicant does not have clear antecedents.

28. It also has come to the fore that the applicant on the basis of the forged No Objection Certificate (“NOC”) from one Kusum had obtained an electricity connection. Furthermore, it is noted that she has submitted a complaint stating that Dinesh, i.e., applicant in *BAIL APPLN. 3741/2025*, had taken documents of her property on the pretext of arranging an electricity connection for the same. It is further her case that her signatures were forged and misused.

29. This Court also takes note of the categorical submission made on behalf of the Police that during the investigation, it has come to attention that the documents dated 17th January, 2001, as pertaining to the registered GPA, Agreement to Sell, Will Deed, affidavit and receipt in respect of the



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property in question measuring 125 sq. yds out of *Khasra No. 25/11, Village Mandoli*, is actually registered in the Sub-Registrar Office pertaining to *Khasra No. 26/11/2* and not *Khasra No. 25/11*, as stated by the applicants.

30. This Court also takes note of the submission that Sh. Ashok Kumar, from whom the property in question was allegedly purchased by the applicants is also not traceable.

31. Therefore, it is clear that the case is still at the stage of investigation and the Police would need the custody of the applicants for interrogation.

32. Considering the submissions made before this Court, no ground is made out for granting anticipatory bail to the applicants in *BAIL APPLN. 3741/2025* and *BAIL APPLN. 4082/2025*.

33. As regards the applicant in *BAIL APPLN. 3761/2025*, i.e., Mr. Sannu Ram, this Court takes note of the fact that he is more than 80 years of age.

34. For the reason aforesaid, it is directed that, in the event of arrest of the applicant in *BAIL APPLN. 3761/2026*, in connection with *FIR 0401/2025*, registered under Sections 420/467/468/471/120B/448 of the IPC, at PS Harsh Vihar, Delhi, the said applicant shall be released on bail subject to furnishing a personal bond in the sum of Rs. 30,000/- with one surety in the like amount, to the satisfaction of the concerned Investigating Officer ("IO")/Trial Court/Duty Magistrate, and to the following conditions:

- a. The applicant shall report to the IO, as and when required, and will cooperate in the investigation.
- b. The applicant shall furnish his residential address to the concerned IO/SHO, and shall not change the address without informing the IO/SHO.
- c. The applicant will not leave the National Capital Territory of Delhi



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- (“NCTD”) without prior intimation to the IO. The applicant shall furnish his mobile number to the concerned IO/SHO, and shall ensure that the said mobile number remains operational and switched on at all times. The mobile number shall not be changed, nor shall the phone be switched off, without prior intimation to the IO/SHO.
- d. The applicant shall not, directly or indirectly, attempt to contact the complainant, or tamper with the evidence, or otherwise indulge in any act or omission that is prejudicial to the proceedings, nor shall he offer any inducement, threat, or promise to any person acquainted with the facts of the case.
- e. The applicant shall not commit any offence during the pendency of these proceedings.
35. Accordingly, the applicant in *BAIL APPLN. 3761/2025*, i.e., Sh. Sannu Ram, is granted anticipatory bail. However, the anticipatory bail of the applicants in *BAIL APPLN. 3741/2025*, i.e., Sh. Dinesh, and *BAIL APPLN. 4082/2025*, i.e., Sh. Yogesh Kumar, is hereby denied.
36. It is clarified that the observations made in the present order are solely for the purpose of deciding the present bail applications, and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights and contentions of the parties at any stage of the proceedings.
37. Accordingly, the present petitions, along with the pending application, stand dismissed.

MINI PUSHKARNA, J

SEPTEMBER 28, 2026/KR