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

% ***Date of Decision: 29th October, 2026***

\# **CNR No. DLHC010517462026**

\+ BAIL APPLN. 4585/2026 & CRL.M.A. 33763/2026 & 33764/2026

TARESH KUMAR SHARMA .....Petitioner

Through: Mr. Irfan Firdous with Ms. Nandini Bindoria, Mr. Abdul Mughni, Mr. Vansh Choudhary, Mr. Piyush Gautam, Ms. Nazish, Ms. Kumkum, Ms. Sukriti Bajaj, Ms. Mehvish Zia and Mr. Nilesh Lohia, Advocates.
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versus

STATE (GOVT OF NCT OF DELHI) .....Respondent

Through: Mr. Ajay Vikram Singh, APP for the State.
(M): 9868632122
Email: ajayvikramsingh563@gmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. *(Oral)*:

1. The present application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking grant of anticipatory bail, on behalf of the petitioner, i.e., Sh. Taresh Kumar Sharma, S/o Sh. Chandra Bhan Sharma, in connection with the First Information

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Report ("FIR"), being *FIR No. 217/2026*, dated 13th June, 2026, registered at Police Station ("PS") Mukherjee Nagar, North West, Delhi, under Sections 420/468/471/467/120B/34 of the Indian Penal Code, 1860 ("IPC").

2. The facts relevant, as culled from the documents on record, pertinent for the adjudication of the present application, are as follows:

2.1. The present FIR came to be registered on 13th June, 2026, pursuant to a written complaint by one Smt. Jagjit Khanna, i.e., the complainant, in respect of an electricity connection obtained on the basis of forged documents of a deceased person, in respect of the property bearing *H. No 4/78, 1st Floor, Nirankari Colony, Delhi.*

2.2. During the course of investigation, it came to the fore that the co-accused, Sh. Vineet Sharma, i.e., the son of the petitioner herein, in conspiracy with other accused persons, obtained electricity connection bearing *CA No. 60028703274,* from the Tata Power Delhi Distribution Private Limited ("TDDPL"), using forged and fabricated property documents purportedly executed in the name of Late Sh. Gopal Singh Premi, who expired on 04th August, 2009.

2.3. Further, on 03rd September, 2026, relevant documents were received from TPPDL, which showed that the petitioner herein has obtained another electricity connection bearing *CA No. 60028706897,* at the ground floor of the said property.

2.4. Permission to arrest the petitioner herein, if required, was obtained from the Trial Court *vide* order dated 29th September, 2026. Subsequently, several notices were served upon the petitioner herein on his last known address, however, he has been absconding since 29th September, 2026.

2.5. Subsequently, Non Bailable Warrants ("NBWs") were issued against

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the petitioner herein, *vide* order dated 06th October, 2026, by the Trial Court.

2.6. The petitioner herein had filed 03 (three) bail applications before the Trial Court, all of which were dismissed by the Trial Court.

3. Learned counsel appearing for the petitioner submits that though there is an electricity connection in favour of the petitioner with respect to the premises occupied by him, it has nowhere come to record that signatures in the application for the said electricity connection were done by the petitioner.

4. He further submits that the role of the petitioner from the other co-accused is totally different.

5. *Per contra*, learned counsel appearing for the complainant vehemently opposes the present petition.

6. Learned counsel appearing for the complainant submits that the complainant is the owner of the property in question, as the said property has been gifted to her by the wife of the erstwhile owner, i.e., Late Sh. Gopal Singh Premi, by the virtue of the complainant being the adopted daughter of the same.

7. He further submits that a dispute had arisen between the parties, pursuant to which, the complainant had filed a case under the Delhi Rent Control Act, 1958 ("DRC Act"), in the year 2018.

8. However, despite the said dispute, the petitioner, who is in possession of part of the property in question, has obtained electricity connection by forging documents in the name of the erstwhile owner, i.e., Late Sh. Gopal Singh Premi.

9. Learned Additional Public Prosecutor ("APP") for the State also vehemently opposes the present anticipatory bail application and submits that the custodial interrogation of the petitioner would be needed since there are

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stark allegations against the petitioner regarding use of forged and fabricated documents for the purposes of obtaining electricity, including a No Objection Certificate ("NOC") issued from the Late Sh. Gopal Singh Premi, who had already expired in the year 2009.

10. He further submits that the Chargesheet *qua* co-accused Sh. Vinod Sharma has already been filed, wherein, the main role has been attributed to the said co-accused.

11. I have heard the learned counsels appearing for the parties.

12. This Court notes that the two other co-accused are already behind bars.

13. Further, this Court notes the submission made by the learned APP for the State that the present is a case, wherein, forged and fabricated documents have been used for the purposes of obtaining electricity connection.

14. This Court takes note of the fact that the allegations against the petitioner are serious.

15. This Court also notes that the police had sought permission to arrest the petitioner herein after receipt of the Report from the TDDPL, regarding obtaining of electricity connection using forged and fabricated documents in the name of deceased erstwhile owner, i.e., Late Sh. Gopal Singh Premi.

16. *Vide* order dated 29th September, 2026, the police was granted liberty to arrest the petitioner herein, if required, as per applicable laws.

17. This Court notes that several notices were given to the petitioner at the last known residential address. However, the petitioner has not joined the investigation and his mobile phone was also switched off. Furthermore, this Court also notes that NBWs were issued against the petitioner on 06th October, 2026.

18. During the course of arguments, on a pointed query by this Court,

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learned counsel appearing for the petitioner acceded to the fact that the petitioner has obtained the electricity connection.

19. This Court, thus, notes that not only is the petitioner named in the FIR, but he is also beneficiary of the electricity connection on the ground floor of the property in question.

20. Furthermore, this Court also takes note of the fact that the originals of the forged property documents, the forged stamp papers, General Power of Attorney ("GPA"), NOC and other forged documents, which were used for obtaining the electricity connection, have not yet been recovered.

21. Reference at this stage may be made to the decision of the Supreme Court in the case of ***Srikant Upadhyay and Others Versus State of Bihar and Another, (2024) 12 SCC 382***, wherein, it has been stated that power to grant anticipatory is an extraordinary power and the same has to be used with caution as it may lead to tampering, dissolution or destruction of evidence. The relevant portion of the said judgement reads as under:

> *"xxx xxx xxx*
>
> ***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 destruction (sic) 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*

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an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously defying orders and keeps absconding is not entitled to such grant.
xxx xxx xxx"

(Emphasis Supplied)

22. Considering the facts and circumstances of the present case and the fact that the allegations against the petitioner being serious in nature, this Court is of the view that no case is made out for grant of anticipatory bail.

23. Accordingly, the present petition is dismissed.

24. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not be taken as an expression of opinion on the merits of the case.

25. The pending applications also stand disposed of.

MINI PUSHKARNA, J

OCTOBER 29, 2026
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