



2026:DHC:5281



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

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Date of Decision: 02.07.2026

+ **BAIL APPLN. 1301/2026**

PRADEEP SHARMA

.....Petitioner

Through: Mr. Vishwendra Verma and Ms. Shivali, Advocates.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State with SI Narender Singh.
Mr. Divya Deep Arya, Advocate for complainant.

+ **BAIL APPLN. 1575/2026**

PRAYAGRAJ SHARMA

.....Petitioner

Through: Mr. Naman Sherstra, Advocate.

versus

STATE OF NCT OF DELLHI & ANR.

.....Respondents

Through: Mr. Amit Ahlawat, APP for State with SI Narender Singh.
Mr. Divya Deep Arya, Advocate for complainant.

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. These bail applications having arisen out of same FIR and involving same set of legal and factual issues are taken up together for disposal. The



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accused/applicants seek regular bail in case FIR No.35/2024 of PS Chandni Mahal for offence under Section 420/467/468/471/120B IPC. I have heard both learned counsel for accused/applicants. I have also heard learned APP for State assisted by IO/SI Narender Singh and learned counsel for complainant *de facto*.

2. Broadly speaking, the prosecution case is as follows.

2.1 Pandit Shiv Ram Sharma constructed a temple and five shops in the subject premises, and since he had no legal heir of Class-I, he executed and got registered Will dated 27.02.1985, thereby bequeathing his estate in favour of his nephew Sh. Sahab Singh, the complainant *de facto*. Apart from the said Will, Pandit Shiv Ram Sharma also executed in favour of the complainant *de facto*, a Gift Deed, a General Power of Attorney and an Indemnity Bond dated 27.02.1985 in favour of the complainant *de facto*. Thereafter, on 25.06.1985, Pandit Shiv Ram Sharma unfortunately passed away and ownership over the subject property was got registered in the records of the Revenue Department and MCD in the name of the complainant *de facto*.

2.2 Earlier, in the year 1982, the complainant *de facto* had hired a priest namely Sh. Krishna @ Kisso for daily works of the temple like performing worship and cleaning the temple.



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2.3 Subsequently in the year 2019, the complainant *de facto* came to know from MCD officials that sons of Sh. Krishna @ Kisso, who are the present accused/applicants had submitted a forged Will and other forged documents before MCD, claiming ownership over the subject premises. The complainant *de facto* obtained the copies of the allegedly forged Will and registered lease documents whereby Pandit Shiv Ram Sharma had given his agricultural land on lease for 99 years to Sh. Amar Singh, and both those documents on being tested in a government approved forensic laboratory revealed that signatures of Pandit Shiv Ram Sharma on those documents were forged.

2.4 Further, the present accused/applicants also forged rent receipts in the name of tenants, who were occupying those five shops in the subject premises. In that regard, a separate complaint was filed by wife of one of the tenants in court.

2.5 The investigation also revealed that on the basis of Will executed by Pandit Shiv Ram Sharma in favour of the complainant *de facto*, the subject premises were mutated in favour of the complainant *de facto*. The tenants in the said five shops of the subject premises had been inducted by the complainant *de facto* and they were paying him rent for past 50 years. But the present accused/applicants forged the rent receipts to be used in the civil suits. The Investigating Officer also recorded statements of those tenants.



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3. Against the above backdrop, both learned counsel for accused/applicants contend that they have been falsely implicated in this case insofar as the offence of forgery, if at all committed, the same was committed by their father who has already passed away. It is contended by both learned counsel for accused/applicants that till date no civil court has declared the Will in question as a forged Will and that the same cannot be a subject matter of criminal proceedings unless a civil court gives a declaration that the said Will is a forged one. It is also contended that till date the complainant *de facto* has not initiated any proceedings to get the Will in his favour probated. In the course of arguments, learned counsel for accused/applicant Pradeep Sharma submitted that the accused/applicant is not aware if the complainant *de facto* is nephew of Pandit Shiv Ram Sharma and further contended that the complainant *de facto* has no *locus standi* to lodge any complaint in this case. It is contended that both accused/applicants have clean antecedents and they surrendered soon after their anticipatory bail applications were dismissed by this court. Since chargesheet has already been filed, according to both learned counsel for accused/applicants, no purpose would be served by keeping them in jail. It is also submitted by learned counsel for accused/applicants that the death certificate of Pandit Shiv Ram Sharma referred to in the investigation is not registered before the Ballabgarh Authority, so it cannot be said that he has passed away.

4. On the other hand, the learned APP for State and learned counsel for complainant *de facto* contend that the forgery alleged against the



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accused/applicants is of rent receipts and rent agreement. As regards the allegedly forged Will, it is submitted by learned APP and learned counsel for complainant *de facto* that the allegation against the accused/applicants is that they used the forged Will to get the subject premises mutated in their name, which would show that even according to the accused/applicants, Pandit Shiv Ram Sharma has passed away. It is further submitted on behalf of State that the present accused/applicants filed eviction proceedings against the tenants on the basis of forged rent receipts, which were sent to the FSL and according to the report, signatures of the tenants on those receipts were found forged. It is contended by learned APP that on the basis of such forged documents, the accused/applicants are trying to grab the property devolved upon the complainant *de facto*. Lastly, it is submitted by learned prosecutor on instructions of the IO that the accused/applicants have not handed over the original of the forged Will for the purposes of forensic analysis, which shows their culpability.

5. In rebuttal, learned counsel for accused/applicants submit that they are not in possession of the original of the Will alleged to be forged because they lost the same. But in response to a specific query, learned counsel for accused/applicants submit that they did not lodge any police complaint about the alleged loss of the original allegedly forged Will. It is also contended by learned counsel for accused/applicant Prayagraj Sharma that according to the MCD, they have not retained any records of the application allegedly filed by the accused/applicant for mutation. It is also contended



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that the forgery of rent receipts is alleged only against the co-accused Pradeep Sharma. In response, the IO submits that he has already obtained from MCD a certified copy of the application whereby the accused/applicant had sought mutation on the basis of forged documents.

6. The accused/applicants surrendered on 20.02.2026 after dismissal of their application for grant of anticipatory bail, the chargesheet has been filed, and as submitted by both sides, the proceedings before the trial court are at the stage of consideration of charge. The conduct of the accused/applicants in not handing over the original document which is alleged to be a forged one is a vital circumstance. It is on the basis of that allegedly forged Will, the accused/applicants claimed ownership over the subject premises. Had the original of the allegedly forged Will been delivered by the accused/applicants to the IO, the same could be sent for forensic analysis. Besides, using the allegedly forged documents including that Will and rent receipts, not just before the Revenue Department and Municipality, but even in courts is a serious allegation.

7. Keeping in mind the manner in which the alleged offences have been committed and stage of the proceedings, coupled with the conduct of the accused/applicants in withholding the allegedly forged documents, thereby hampering the investigation, I do not find these cases fit to grant bail at this stage.



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8. Therefore, both these bail applications are dismissed.
9. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicants.

**GIRISH KATHPALIA
(JUDGE)**

JULY 02, 2026/ry