



2025:DHC:6759



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 12.08.2025*+ **BAIL APPLN. 3051/2025 & CRL.M.A. 23621/2025**

SANDEEP KUMARPetitioner

Through: Mr. Hawan Pratap Singh, Advocate

versus

STATE GOVT. OF NCT OF DELHIRespondent

Through: Ms. Manjeet Arya, APP for State with
IO/SI Tej Singh
Mr. Jitender Bhardwaj, Advocate for
complainant *de facto* with
complainant *de facto* in person**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks anticipatory bail in case FIR No. 389/2025 of PS Bawana for offence under Section 330(2)/305/3(5) BNS. Learned APP assisted by IO/SI Tej Singh accepts notice. The complainant *de facto* also has appeared alongwith his counsel. I have heard both sides.

2. Briefly stated, the allegation against the accused/applicant is as follows. Shri Dattar Singh, father of the accused/applicant, sold an immovable property to the complainant *de facto* for a sum of Rs. 53,00,000/- and handed over physical possession thereof to the complainant *de facto*. Thereafter, the complainant *de facto* converted one of the rooms in the



subject property as his office and stored there his valuable gems including an old statue of silver besides other articles. The complainant *de facto* is a gemmologist. The subject property was sold to the complainant *de facto* on 05.04.2025 by way of agreement to sell, GPA and possession letter. But on 21.06.2025, when the complainant *de facto* came to the subject property, he found that after breaking open the main gate and lock of his office, his articles were stolen away by the accused/applicant. The accused/applicant, his wife and son forcibly took possession of the subject property.

3. On behalf of accused/applicant, it is argued that the agreement to sell and attendant documents do not convey a valid title in the immovable property. Learned counsel for accused/applicant argues that the subject property was 'given' to him by his grandfather, so his father had no right, title or interest in the subject property, so as to sell away the same to the complainant *de facto*. Learned counsel for accused/applicant also argues that the subject property is worth Rs.8,00,00,000/- approximately and it is not believable that the same was sold for only Rs.53,00,000/-. Besides, it is contended by learned counsel for accused/applicant that before the Court of Sessions, the complainant *de facto* stated that the sale consideration was Rs.1,85,00,000/-, whereas the consideration on documents is only Rs.53,00,000/-. It is also submitted by learned counsel for accused/applicant that he is joining investigation as and when directed by the IO. It is also submitted that the accused/applicant is in possession of the subject property since the year 2000, as reflected from the audio recording of conversations between the accused/applicant and the complainant *de facto*.



4. Learned APP on instructions of the IO submits that custodial interrogation of the accused/applicant is required in order to recover the stolen articles of the complainant *de facto*. Learned APP has also played in Court a video reflecting children of the complainant *de facto* playing in the open courtyard in the subject property prior to their forcible dispossession.

5. In response to a specific query, learned counsel for accused/applicant admits that no civil suit pertaining to the subject property was filed by the accused/applicant against his father or even the complainant *de facto*. Even after the accused/applicant came to know about the said sale transaction, he did not file any suit against his father or the complainant *de facto*. Learned counsel for accused/applicant submits that it is not morally justified for the accused/applicant to file a suit against his own father. But in the same breath, learned counsel for accused/applicant also takes me through the police complaint dated 23.06.2025 (*pdf 119*) by way of which complaint, he sought registration of a criminal case against his father amongst others. It is quite surprising that on one hand the accused/applicant claims it to be morally not justified to file civil suit against his father, but on the other hand he files criminal complaint against his father.

6. It would not be out of place to mention that father of the accused/applicant supported the complainant *de facto* before the Court of Sessions at the time of hearing of bail application of the accused/applicant.



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7. In view of above circumstances, I do not find it a fit case to grant anticipatory bail to the accused/applicant, because it would sanctify an individual taking law in his hands instead of taking recourse to legal remedies.

8. Therefore, the anticipatory bail application is dismissed.

GIRISH KATHPALIA
(JUDGE)

AUGUST 12, 2025/as