



2026:DHC:4882



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

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Date of Decision: 29.05.2026

+ **BAIL APPLN. 99/2026**

VINOD KUMAR RATHI

.....Petitioner

Through: Mr. Kartik Kumar, Mr. Gaurav
Sharma and Mr. Anil Malik
Advocates.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP for State
with IO/Inspector Rajesh Kumar.
Mr. Jitender Bhardwaj, Advocate for
complainant (*through video
conferencing*)

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

Matter taken up today as 28.05.2026 was declared a holiday on account of Eid al-Adha.

1. The accused/applicant seeks anticipatory bail in case FIR No. 389/2025 of PS Bawana for offence under Section 330(2)/305/331(4)/3(5)/318(4)/336(3)/340(2)/61(2) of BNS.



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2. I have heard learned counsel for accused/applicant and learned APP for State assisted by IO/Inspector Rajesh Kumar. I have also heard learned counsel for complainant *de facto*.

3. At the outset, it is informed by both sides that the land which is the subject matter of the offence in this case has not been restored to the government till date.

4. Broadly speaking, the circumstances relevant for present purposes are as follows. The present accused/applicant is the son-in-law of Dattar Singh. Initially, Dattar Singh sold a part of the subject land to his son-in-law, the present accused/applicant, despite the fact that the said land was owned by gram sabha. Thereafter, on 05.06.2025, a Deed of Cancellation pertaining to the said sale was executed by Dattar Singh, which Deed was countersigned by the present complainant *de facto* as witness. On the same day i.e. 05.06.2025, Dattar Singh sold away the said land to the present complainant *de facto*, which sale documents were signed by the present accused/applicant as witness. On 21.06.2025, when the complainant *de facto* visited the subject land, he found that possession thereof had been forcibly taken away by Sandeep, son of Dattar Singh. Thereafter, the complainant *de facto* came to know that the subject land was in fact government land. In the course of investigation, the SDM concerned also confirmed that the subject land is gram sabha land and the same stood transferred to DDA. Thence, the prosecution case is that the present accused/applicant in conspiracy with his



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father-in-law, Dattar Singh and brother-in-law, Sandeep sold away the government land to the complainant *de facto* and thereafter, took away possession thereof forcibly.

5. Against the above backdrop, learned counsel for accused/applicant contends that he had no role in the alleged offence except to the extent that he signed the sale documents as a witness. It is also contended that the accused/applicant has already given his specimen signatures to the IO, so his custody is not required for any purpose. It is also contended that since the accused/applicant never obtained any benefit out of the alleged transactions, he deserves anticipatory bail.

6. Learned APP for State strongly opposes the anticipatory bail application contending that wife of the accused/applicant had received a sum of Rs. 15,00,000/- in her bank account from Dattar Singh on the day of transaction itself i.e., 05.06.2025. It is also contended that till date the subject land has not been restored to DDA. Further, learned prosecutor contends that the very fact that on same day a Deed of Cancellation was executed in order to nullify the sale of the subject land from Dattar Singh to the present accused/applicant and thereafter, a fresh sale was executed in favour of the complainant *de facto*, clearly shows complicity of the present accused/applicant. Rather, according to learned prosecutor even complainant *de facto* is complicit to the extent that he also signed the Deed of Cancellation on 05.06.2025, which followed execution of sale in his favour.



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7. Learned counsel for complainant *de facto* also opposes the anticipatory bail on the ground that till date the cheated amount has not even been returned to the complainant *de facto* which amount is more than rupees one crore.

8. The IO submits that he needs custody of the accused/applicant in order to confront him with the different documents and also to track down the trail of the title chain in order to ascertain as to from whom the subject land was transferred to Dattar Singh. Apart from that, the IO also seeks custody for custodial interrogation to unearth the trail of money. The exact role played by the complainant *de facto* also needs to be investigated upon, keeping in mind that the subject land is a government land.

9. As mentioned above, till date neither the subject land has been restored to the government, nor the sale consideration allegedly paid by complainant *de facto* has been refunded to him. I am unable to agree with the contention of the learned counsel for accused/applicant that offence of cheating is not made out. As mentioned above, without any right, title or interest Dattar Singh executed sale of the subject land in favour of his son-in-law, the accused/applicant and thereafter on same day i.e., 05.06.2025 that sale was cancelled after which fresh sale was executed in favour of the present complainant *de facto*. Admittedly, the present accused/applicant even signed as a witness to the sale documents executed in favour of the



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complainant *de facto* and in return, a sum of Rs. 15,00,000/- was transferred to the bank account of wife of the accused/applicant.

10. Going by the overall factual matrix, the requirement expressed by the IO for custodial interrogation of the accused/applicant does not sound unjustified in order to unearth the actual role played by not just Dattar Singh but even by the complainant *de facto* as well as complicity of the officials of the concerned government departments, who looked the other way when the government land was being taken away.

11. Considering the above circumstances, I do not find it a fit case to grant anticipatory bail to the accused/applicant. Therefore, the anticipatory bail application is dismissed.

12. Of course, nothing observed in this order shall be read to the prejudice of either side at the stage of final arguments and at that stage, the trial court shall take a view independent of the above discussion.

**GIRISH KATHPALIA
(JUDGE)**

MAY 29, 2026/ry