



2025:DHC:7516



\$~

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

%

Reserved on: 17th July 2025**Pronounced on: 29th August 2025**+ **BAIL APPLN. 2034/2025 & CRL.M.A. 16560/2025****EXEMPTION, CRL.M.A. 16561/2025****RAJINDER KUMAR JAIN**

.....Petitioner

Through: Mr. Tushar Sannu, Mr. Priyankar and Ms. Ishika Jain, Advocates.

versus

THE STATE

.....Respondent

Through: Mr. Aman Usman, APP for the State.

Mr. Sarwar Raza, Mr. Muhammad Zaid, Mr. Mohd. Waseem, Mr. Nabil Raza, Mr. Arnab. C, Mr. S. Ahmed and Ms. Shreya Kumar, Advocates for complainant.

CORAM:**HON'BLE MR. JUSTICE RAVINDER DUDEJA****JUDGMENT****RAVINDER DUDEJA, J.**

1. This is an application under Section 482 BNSS filed on behalf of the petitioner for grant of anticipatory bail in case FIR No. 523/2024 under Section 420 IPC, registered at PS Shakarpur.
2. Ld. Counsel for the petitioner submits that allegations against the petitioner are false, frivolous and motivated and have been made



with intent to harass and humiliate him. It is submitted that dispute is clearly civil in nature which has been given a criminal colour.

3. It is submitted that complainant and another person helped the petitioner and gave him financial aid and got signed various documents and petitioner was also kidnapped. All the payments have been returned by the petitioner but the original receipt is with the complainant and petitioner retains only a photocopy with him.

4. It is submitted that petitioner was well aware of the property to be under encumbrances and still went ahead with the sale of the property. Petitioner also provided his mobile phone containing the video clip in which he and the complainant are seen talking with each other in a bank and in such conversation, the accused had disclosed to the complainant about the order by which the property could not be transferred. He also submitted a pen drive containing the aforesaid footage and the transcript to the IO which clearly reveals that complainant was aware of the visual facts and petitioner had not made any misrepresentation to the complainant.

5. It has been further submitted that petitioner has already joined the investigation and is ready and willing to cooperate in the investigation and abide by any condition imposed by this Court.

6. Per contra, Ld. APP submits that petitioner had sold the properties, despite there being a subsisting stay order passed by this Court. It has been pointed out that the sale deed falsely recites that the property was free from all encumbrances, legal proceedings, litigation, or injunctions. By concealing the pending litigation, petitioner



deceived the complainant and misrepresented the true status of the property. It is submitted that such concealment constitutes a deliberate act of cheating.

7. It has been further submitted by the Ld. APP that nothing of significance has been disclosed by the petitioner during the course of investigation. Custodial interrogation is required inasmuch as the applicant has claimed that he did not execute the sale deed. It is argued that petitioner's contentions that the complainant was aware of the pending litigation is untenable, and the conduct clearly reflects an intention to cheat.

8. As per allegations, in January 2019, the complainant entered into an agreement with the petitioner for the purchase of property No. WB-57A, Ganesh Nagar-II, Shakar Pur, Delhi. A sale deed was executed in 2019, followed by another sale deed in August 2019 for a different portion of the same property. The petitioner repeatedly represented that the property was free from all encumbrances.

9. However, in 2023, the complainant received documents from the court in Contempt Case No. 1415, disclosing that a *status quo* order was already in force on the property at the time of sale, and the same had been fraudulently concealed by the petitioner. The complainant stated that he was deceived and cheated into parting with a large amount of money based on false assurances.

10. During investigation, certified copies of both the sale deeds dated 05.02.2019 and 09.08.2019 were obtained from the co-purchaser



Sunil Gupta, who also submitted the documents showing detailed payments made to the petitioner.

11. The status report reveals that petitioner appeared for interrogation under protection granted by the Sessions Court but gave contradictory and evasive replies, claiming that he did not know that the documents he signed were sale deed and that the transaction was a friendly loan.

12. As per status report, on analysis of the video and transcript submitted by the petitioner, it emerged that there was no mention of any pending litigation or stay order in the conversation. Rather, the petitioner admitted to arranging Rs. 20 lakhs as a bribe for a government officer. The video confirms that the complainant insisted on registration post payment and was unaware of any legal complications.

13. In his supplementary statement under Section 161 Cr. PC, complainant claimed that he became aware of the High Court case only in the year 2023 upon receiving the legal notices.

14. The argument that petitioner did not know what he was signing is prima facie implausible as the sale deeds require in person execution, thumb impression, photos and verification before the Sub Registrar.

15. Petitioner failed to produce the original receipt of repayment of money to the complainant. Even if it is to be accepted that petitioner had refunded the money to the complainant, it may, at best, be a



mitigating circumstance at the stage of sentencing but cannot absolve criminal liability at the threshold.

16. The principle that anticipatory bail is an extraordinary remedy intended to be granted only in exceptional cases is well established. In *Srikant Upadhyay and ors v. State of Bihar and Anr.* SLP(CrI.) 7940/2023, the Supreme Court reiterated that anticipatory bail is an extraordinary remedy, not the norm. Its grant must depend on the facts and circumstances of each case, applied with caution, especially in serious offences where premature protection can hamper investigation or enable evidence tampering. Interim protection may be granted only in eminently fit cases to safeguard individual liberty, but absconders or those defying court orders are generally not entitled to it. Applying this test, the petitioner's conduct in selling the property despite a stay order, making false declarations in the sale deeds and subsequently failing to join investigation, militates against the grant of anticipatory bail. These circumstances cumulatively warrant rejection of the present petition.

17. As per the status report, the petitioner was repeatedly served with notices under section 35(3) BNSS, but failed to appear. A notice was also pasted at his address after his wife allegedly refused to accept service of those notices. On 25.04.2025, he finally accepted notice, but still failed to appear on the scheduled date.

18. The investigation is stated to be ongoing, and certain aspects, including the petitioner's claim that he did not execute the sale deeds and the circumstances of possession, require further probing. Learned



2025:DHC:7516



APP has specifically urged that custodial interrogation is necessary to confront the petitioner with documentary and oral evidence and to trace the money trail. Premature grant of anticipatory bail would impede the fact-finding process.

19. Having regard to the seriousness of the allegations, the petitioner's evasive conduct, the stage of the investigation, and the settled principles governing anticipatory bail, this Court finds no ground to exercise its discretion in favour of the petitioner. It is also pertinent to note that the petitioner violated clear orders from this Court and proceeded to execute the sale deed, further undermining the sanctity of the judicial process. The apprehension of misuse of the concession of anticipatory bail is not unfounded in the present factual matrix. The offences alleged are of a serious nature and appear to have implications that extend beyond a mere private dispute. In view of the discussion above, this Court is satisfied that custodial interrogation is both necessary and justified, and accordingly, the application for anticipatory bail stands dismissed.

20. Nothing stated in this order shall tantamount to an expression on the merits of the case.

RAVINDER DUDEJA, J.

29 August, 2025/na