



2025:DHC:1919



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

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Date of decision: 21.03.2025

+ BAIL APPLN. 4108/2024
ISHWAR

.....Petitioner

Through: Mr. Rajbir Singh Sagar,
Advocate.

versus

STATE (NCT OF DELHI)

.....Respondent

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

Mr. Imran Khan, Mr. Inam-Ul-
Haq, Advocates for
complainant.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

JUDGMENT (ORAL)

RAVINDER DUDEJA, J.

1. This is an application for grant of anticipatory bail filed by the applicant Ishwar, under Section 482 of Bharatiya Nagrik Suraksha Sanhita, 2023 [“BNSs”] (under Section 438 Cr. PC) in case FIR No. 0311/2023, dated 13.06.2023, under Section 420/467/468/471/120-B IPC, PS Prem Nagar, Delhi.

2. The present FIR has been registered on the basis of a complaint received from complainant Ms. Malti Mahawat, wife of Sh. Dilip Mahawat. In her complaint, she stated that she had purchased property



bearing Plot No. A-176/23-B, land admeasuring 32 sq. yards, Khasra No. 26/24, Mundaka, Hind Vihar, Prem Nagar-III, Delhi on 21.03.2022 from the applicant Ishwar through mediator Madan Mahawat, based on GPA for a consideration of Rs. 11,60,000/-. Out of the total amount of Rs. 11,60,000/- given to the alleged Madan Mahawat, only Rs. 9,50,000/- was paid to the applicant Ishwar by him. Complainant's neighbour informed her that a person namely Naushad had forcibly occupied her plot and is making construction. Naushad claimed that he was the owner of the plot in question. Madan Mahawat and Ishwar initially promised to return the money to the complainant, but despite several requests, the money was not returned.

3. The Investigating Officer has submitted the status report. Learned Additional PP submits that upon investigation of the chain of the documents which was given to the complainant by the applicant, it has been found that the stamp paper of Rs. 10/- bearing serial No. "16AA 518422", on which affidavit was allegedly executed by Rajpal in favour of the applicant, was issued on 15.02.2008 to the stamp vendor, but the date of execution of the stamp paper is 10.07.2007 i.e. prior to the date of issue of stamp paper, which is impossible. It is submitted that the chain of the title documents, on the basis of which applicant claimed himself to be the owner, are forged and fabricated.

4. It is further submitted by the learned Additional PP that applicant was granted interim relief by the Sessions Court during the



pendency of his anticipatory bail with direction to join the investigation. Even though, he joined the investigation, but did not cooperate, and even did not submit the original chain of documents. It is also submitted that the witnesses of the documents are also not traceable and applicant has not shared any details about their whereabouts during interrogation.

5. *Per contra*, the learned counsel for applicant has argued that the plot was purchased by the father of the applicant from one Rajpal, and therefore being the owner of the plot, he had sold plot to the complainant. It is submitted that all the original documents relating to the plot were handed over to Madan Mahawat, who in turn, gave the same to the complainant. It is submitted that applicant has neither committed any forgery nor fabricated any documents and has duly cooperated during investigation of the case.

6. The defence of the applicant has been that his father had bought the plot in his name on 10.07.2007. However, as per report of the Treasury Officer, the stamp paper of Rs. 10/- bearing serial No. "16AA 518422", on which affidavit is allegedly executed by Rajpal in favour of the applicant, was issued on 15.02.2008 to the vendor. The date of execution of affidavit on the said stamp paper is 10.07.2007, which is found prior to the date of issuance of stamp paper. Prima facie, affidavit is a forged document. The case is still being investigated. There is allegation of cheating of Rs. 11,60,000/- against



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the applicant and co-accused Madan Mahawat. During hearing on the application, the complainant stated before the court that applicant has been threatening and harassing her in order to pressurize her to withdraw her complaint. As per status report, proceedings to declare the applicant as Proclaimed Offender have already been initiated and as per NCRB/SCRB record, applicant is also involved in case FIR No. 414/2017, under Section 448/380/411 IPC, PS Nangloi.

7. Keeping in view the entire facts and circumstances and in particular the fact that the original chain of documents is yet to be recovered from the applicant/accused and investigation is still pending as also on account of the complaint from the complainant that she is being threatened, I am not inclined to grant anticipatory bail to the applicant/accused.

8. The application is therefore dismissed.

RAVINDER DUDEJA, J.

MARCH 21, 2025

RM

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