



2025:DHC:6875



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

*Reserved on: 31.07.2025*  
*Date of Decision: 14.08.2025*

+ **BAIL APPLN. 3386/2024**

**CHHOTE LAL**

.....Petitioner

Through: Mr. Panna Lal Sharma, Adv.  
versus

**STATE OF NCT OF DELHI**

.....Respondent

Through: Mr. Raghuinder Verma, APP  
for State and Mr. Aditya Vikram Singh,  
Adv. along with SI Ravi Poonia, PS  
Dayalpur.

**CORAM:**

**HON'BLE MR. JUSTICE AJAY DIGPAUL**

### **J U D G M E N T**

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1. The present bail application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 438 of the Code of Criminal Procedure, 1973<sup>1</sup>), has been moved by the petitioner, Chhote Lal, seeking grant of anticipatory bail in FIR No. 391/2023, registered under Sections 420, 467, 468, 471, and 120-B of the Indian Penal Code, 1860, at Police Station Dayalpur, Delhi.

2. The FIR was registered on 27.05.2023 pursuant to a written complaint lodged by one Mohd. Hamid, who alleged that he had been induced into purchasing a property bearing no. D-7/63, Dayalpur, Delhi, admeasuring 200 square yards<sup>2</sup>, on the basis of forged and

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<sup>1</sup> hereinafter "CrPC"

<sup>2</sup> hereinafter "subject property"



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fabricated documents. It was stated that the sale consideration agreed upon was Rs. 72 Lakhs , of which various instalments were paid in cash and otherwise, including Rs. 2 Lakhs as token money on 27.10.2022 and further payments on 28.10.2022, 15.11.2022, 27.04.2023, 28.04.2023, 30.04.2023, and 05.05.2023, totalling the alleged consideration amount.

3. As per the FIR, the complainant claimed that the sale was facilitated by co-accused Pravesh Kumar (son of the present petitioner), who represented himself as the owner of the subject property. Several individuals, including the present petitioner Chhote Lal, were stated to have been present during the transaction and allegedly participated in the preparation and execution of forged documents, including registered agreements and relinquishment deeds. The complainant claimed that the documents relied upon by the co-accused, including alleged relinquishment deeds dated 16.02.2021 and 12.09.2022, were fraudulent and had been executed in collusion with the present petitioner and other named individuals.

4. During the investigation, it emerged that one Ratan Lal, the brother of the present petitioner, had made a PCR call on 09.05.2023 alleging unauthorised entry into the subject property by some unknown individuals. Ratan Lal, who was examined by the Investigating Officer<sup>3</sup>, stated that he and the petitioner had jointly purchased the property in 1981 and that he had subsequently acquired the petitioner's share of 25 square yards in 2021. He further stated that he had vacated and locked the premises in 2006 upon shifting to

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<sup>3</sup> hereinafter "IO"



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Vasundhara, Ghaziabad, and was unaware of the alleged transactions undertaken by Pravesh Kumar and others.

5. The investigation further revealed that various accused persons, including the petitioner, were allegedly involved in a conspiracy to create forged documents with respect to the subject property and to induce the complainant into parting with substantial sums of money. The IO recorded in his reply that the petitioner was seen in a video footage counting money, had allegedly executed two distinct relinquishment deeds pertaining to different area of the same property, and had also taken a loan from IIFL, Moti Nagar Branch on the said property even after its purported sale.

6. Furthermore, the investigation uncovered that Pravesh Kumar had secured a loan of Rs. 3.6 lakhs from one Sunita Rai in 2021 by mortgaging documents pertaining to the 75 square yard portion of the property. A written agreement was executed between Sunita Rai and the petitioner, signed by the Pravesh Kumar as a witness. Despite several payments made over time, Sunita Rai confirmed that approximately Rs. 3 lakhs remained outstanding. She produced the original agreement and title documents in support of her claim.

7. Based on these findings, the investigating agency has asserted that the petitioner is not only complicit in the creation of forged documents but also a co-conspirator in the broader scheme of cheating the complainant out of a sum of Rs. 72 Lakhs, by falsely representing the ownership and title of the subject property.

8. It is also on record that the co-accused Pravesh Kumar was arrested on 20.06.2023 and has remained in judicial custody. The chargesheet in the case was filed on 18.09.2023. Proclamation



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proceedings under Section 82 CrPC were initiated against the present petitioner, alleging that he had absconded despite being aware of the registration of the FIR.

9. The anticipatory bail application of the petitioner was earlier rejected by the learned Additional Sessions Judge, North-East, Karkardooma Courts, Delhi, vide order dated 13.09.2024. The said order records that the petitioner had been evading arrest despite being aware of the FIR since 2023, and that the allegations against him involved execution of forged documents and active participation in the alleged conspiracy.

10. The present application was filed on 14.09.2024, subsequent to the rejection of bail by the Sessions Court, and is now being considered by this Court.

11. This Court *vide* order dated 19.09.2024, had granted interim protection to the petitioner, subject to him joining investigation as and when called by the IO. This protection granted to the petitioner has continued to remain in force since the said order.

### **Submissions made by the petitioner**

12. Mr. Panna Lal Sharma, learned Counsel for the petitioner, contends that the petitioner is a 75-year-old man suffering from multiple health ailments, including severe piles and deteriorating eyesight. Owing to his frail condition and apprehension of arrest, he was unable to appear before the IO or join proceedings at earlier stages. It is submitted that the petitioner is now willing to participate



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in the investigation and abide by all directions issued by the IO or Court.

**13.** Learned Counsel submits that the petitioner undertakes to appear on every date of hearing and investigation whenever required by the IO/SHO/Court. He further assures that he shall not misuse the liberty granted to him, and is prepared to furnish sound surety to the satisfaction of the Court, if released on anticipatory bail.

**14.** It is further argued that the petitioner is neither a flight risk nor in a position to tamper with evidence or influence witnesses. Emphasis is laid on the petitioner's advanced age and his deep roots in society, to demonstrate that there is no likelihood of him absconding or fleeing from justice.

**15.** Learned Counsel draws attention to the fact that out of eleven accused named in the FIR, eight have already been granted regular or anticipatory bail. Specifically, co-accused Deepak Aggarwal and Nishant Verma are on regular bail. Deepak Aggarwal was released on bail by the learned Metropolitan Magistrate, while accused Nishant Verma was granted bail by the learned Additional Sessions Judge, North-East, Karkardooma Courts, Delhi. Shivani Verma and Pooja Aggarwal have been granted anticipatory bail by the learned Additional Sessions Judge, Delhi. Anticipatory Bail has also been extended to similarly placed co-accused Anita, Himansi, Kalpana, and Suman Lata by this Court.

**16.** It is next submitted that the allegations against the petitioner are identical to those levelled against the abovenamed co-accused, particularly with respect to the execution of two relinquishment deeds dated 16.02.2021 and 12.09.2022. It is urged that the petitioner, like



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the other accused, merely signed as an executant of the documents and had no direct involvement in the alleged sale transaction or any element of deception.

**17.** The petitioner also undertakes to cooperate fully with the investigation and to comply with all terms and conditions that may be imposed by the Court. It is argued that custodial interrogation is not warranted, especially in view of the nature of the alleged role and the consistent interim protection in place since 19.09.2024.

**Submissions made by the respondent**

**18.** On the other hand, Mr. Raghuvinder Verma, learned APP for the State, opposes the application for anticipatory bail and contends that the petitioner, along with his associates, hatched a criminal conspiracy and fraudulently induced the complainant to part with a sum of Rs. 72 Lakhs. It is submitted that the offence is grave and serious in nature, punishable with imprisonment for life, and thus not fit for grant of discretionary relief at the pre-arrest stage.

**19.** Learned APP further submits that the accused was residing on rent at H. No. KA-362, Vijay Nagar, Pratap Vihar, Ghaziabad, Uttar Pradesh, which address he has now vacated. Owing to his lack of a permanent address, there exists a significant risk that the accused may abscond or remain unavailable for investigation and trial if granted anticipatory bail. It is further contended that the cheated amount is yet to be recovered, and the accused is in a position to tamper with material evidence and influence key witnesses.



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**20.** It is further submitted that the accused is the petitioner of the IIFL loan in question and has actively participated in the creation and use of forged property documents measuring 75 square yards for the purposes of availing a loan amounting to Rs. 8.48 lakhs. The documents used to secure the loan are stated to be forged, and the chain of ownership presented by the accused is falsified, giving rise to serious questions regarding his intent and conduct. Additionally, two separate relinquishment deeds of the same property, executed before the Sub-Registrar, Seelampur, stand in stark contradiction with each other, pointing towards deliberate fabrication.

**21.** The learned APP also argues that the petitioner is likely to repeat similar offences if enlarged on bail, given the clear pattern of dishonesty emerging from the record.

### **Analysis**

**22.** Having heard the parties and perusing the case record, it clearly emerges that the petitioner was fully aware that he held only an undivided share of 75 square yards in the property in question, out of the total 200 square yards. Notwithstanding this, the petitioner is alleged to have actively executed documents that ultimately enabled his son, Pravesh Kumar, to purport to sell to the complainant a portion of land exceeding their lawful share. The documents forming part of the transaction, particularly the relinquishment deed and related ownership papers, appear to have originated from the petitioner himself. Thus, this is not a case where the petitioner can claim ignorance or allege that he was kept in the dark by his son. On the



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contrary, the material on record suggests that the petitioner played a pivotal role in enabling the fraudulent transaction.

**23.** It is also relevant to note that although this Court had granted interim protection to the petitioner *vide* order dated 19.09.2024, the same was expressly made subject to his joining investigation as and when required. The petitioner, while appearing in response to notices, has, as per the IO, failed to cooperate meaningfully with the investigation. The mere act of physical presence, absent actual cooperation, does not amount to compliance with investigative obligations.

**24.** The record further discloses that the present incident is not an isolated act. The role of the petitioner and other family members also surfaces in transactions involving one Sunita Rai and a separate loan transaction with IIFL Finance, in which forged documents were again allegedly employed. This consistent pattern of conduct indicates a *modus operandi* and adds credibility to the allegations that the petitioner is part of a larger conspiracy involving repeated fraudulent transactions.

**25.** The submission of learned counsel for the petitioner that other accused persons named in the FIR have already been granted regular or anticipatory bail, and that the petitioner is therefore similarly entitled to relief on the ground of parity, does not merit acceptance. While it is indubitable that certain allegations are common to all family members and others, the role ascribed to the present petitioner is distinct and materially different from them. The FIR and accompanying documents point to the petitioner having played a more central and active role in the preparation and execution of documents





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that facilitated the alleged fraudulent transaction. The principle of parity cannot be applied in a mechanical manner, and in the present case, the petitioner's role *prima facie* appears to be more prominent than that of the other accused who have been granted relief. This puts the petitioner on a starkly different pedestal than the co-accused with whom he seeks parity.

**26.** Moreover, as observed by the learned Additional Sessions Judge, Karkardooma, the petitioner has previously evaded arrest. This past conduct heightens the apprehension that if the present application is allowed, the petitioner may again avoid joining the investigation or abscond altogether, thereby frustrating the course of justice.

**27.** In view of the foregoing, this Court finds no merit in the present application. Accordingly, the application is dismissed.

**28.** It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

**29.** The judgment be uploaded on the website forthwith.

**AJAY DIGPAUL, J**

**AUGUST 14, 2025/gs/yr**