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

Reserved on: 19.08.2025
Date of Decision: 25.08.2025

+ **BAIL APPLN. 223/2024 & CRL.M.A. 4776/2024**

NADEEM KHANPetitioner

Through: Mr. Mohd. Asif, Adv.

versus

THE STATE (GNCT OF DELHI)Respondent

Through: Mr. Raghuinder Verma, APP
for State with Mr. Aditya Vikram Singh,
Adv.

Mr. Saleem Ahmed, Mr. Rishabh Shukla
and Mr. Suhail Ahmed, Adv. for
Complainant.

CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL

J U D G M E N T

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1. The present application under Section 438 of the Code of Criminal Procedure, 1973¹, has been filed by the petitioner, Nadeem Khan, seeking grant of anticipatory bail in respect of FIR No. 546/2023, registered at Police Station Jamia Nagar, District South-East, Delhi, under Sections 420/467/468/471/120-B/34 of the Indian Penal Code, 1860².

¹ hereinafter "CrPC"

² hereinafter "IPC"



Factual Matrix

2. The genesis of the dispute traces back to a transaction of land situated in Village Jogabai, Tehsil Mehrauli, Delhi, falling in Khasra No. 260/1, measuring 400 square yards³. The petitioner asserts that he had purchased this parcel on 06.02.2002 from its erstwhile owners, namely Ganpat (son of Rishal) and Savitri (wife of Beg Raj), through a set of documents comprising a General Power of Attorney⁴, Agreement to Sell, Affidavit, and Receipt.

3. The record further discloses that on 04.01.2023 and 15.02.2023, the petitioner had lodged written complaints before the Municipal Corporation of Delhi⁵ and the police authorities against one Masoom Fatima (wife of Hasan Agha Zaidi) and Zeeshan Haider, alleging illegal and unauthorized construction upon the aforesaid property. It is stated that despite repeated complaints, no preventive action was taken by the concerned authorities.

4. Meanwhile, the petitioner instituted Civil Suit No. 1238/2022 titled *Nadeem Khan v. Masoom Fatima & Anr.*, which was subsequently withdrawn by him on 26.07.2023 due to technical reasons. During this period, he also filed W.P.(C) No. 182/2023 before this Court, which culminated in certain directions to MCD on 10.10.2023 for removal of unauthorized constructions. The petitioner later initiated contempt proceedings alleging non-compliance of the said directions.

³ hereinafter “subject property”

⁴ hereinafter “GPA”

⁵ hereinafter “MCD”



5. The complainant in the present FIR, namely Farhat Abbas, along with one Aqil Ahmad, on the other hand, asserts to have purchased the very same portion of the subject property on 16.03.2023 from the said Masoom Fatima and Zeeshan Haider, *vide* registered documents of sale. The complainant claims to be in physical possession and absolute ownership since the said purchase.

6. According to the FIR lodged on 07.12.2023, it is alleged that the petitioner, along with other accused persons, threatened both, the complainant and Aqil Ahmad with dire consequences unless a sum of Rs. 50 lakhs was paid. It is further alleged that the accused persons, being members of a land mafia operating in the locality, fabricated a parallel set of documents such as Agreement to Sell, Will, GPA, Possession Letter, and Receipts, in order to create false chains of ownership over non-existent properties within the same khasra number. By doing so, they allegedly sought to obstruct the complainant's construction and pressed for demolition orders based on forged documents.

7. The complainant additionally alleged that when their illegal demands were not met, the accused persons, including the petitioner, continued to harass and intimidate them and gave repeated threats to their lives. They further alleged that the accused obtained demolition orders from the authorities by misleading the Court, and identified the complainant's property as their own, thereby causing wrongful loss and injury.

8. On these allegations, the FIR was registered against a total of 5 accused persons, which included the petitioner Nadeem Khan and four



other accused persons, namely Nadeem Khan, s/o Hikmat Khan; Bhupendra Yadav; Balbir Singh; and Ashok Yadav.

9. At present, it thus emerges that out of the five accused named in the FIR, two accused persons, namely Bhupender Yadav and Balbir Singh, stand protected by orders of anticipatory bail granted by the learned ASJ, Saket Courts. The other two accused, namely Ashok Yadav and Nadeem Khan s/o Hikmat Khan, were arrested during investigation but have since been enlarged on regular bail by the learned Metropolitan Magistrate, Saket Courts. The petitioner herein has approached this Court seeking anticipatory bail after his earlier application was dismissed by the learned ASJ, Saket Courts.

10. The earlier anticipatory bail application was dismissed by the learned ASJ, Saket Court *vide* order dated 09.01.2024. The dismissal was founded primarily on the grounds that the role of the present petitioner stood on a different footing from that of co-accused Bhupender Yadav. In contrast, the petitioner failed to place on record any documentary proof of ownership of the subject property. The Court further noted that the investigating agency had alleged creation of forged GPA and demand of Rs. 50 lakhs by the petitioner to prevent demolition, besides pointing out that the petitioner was residing in a building raised without sanction of the civic authority. It was observed that the petitioner had been evading arrest and had not joined investigation despite notice, and that his custodial interrogation was necessary for a proper and effective probe. In view of the gravity of the accusations, the stage of investigation, and the role attributed to the petitioner, the Court held that anticipatory bail was not warranted at that juncture.



11. *Vide* order dated 05.03.2024 of this Court, it was recorded on the basis of submissions made by the petitioner that he had instituted a civil suit in respect of the subject property which forms the subject matter of the present FIR, wherein he had placed on record the documents asserting his ownership. Taking note of the said submissions, and in order to enable the petitioner to participate in the proceedings without the apprehension of immediate arrest, this Court extended interim protection in his favour. The said protection has continued to remain operative since then.

Submissions on behalf of the petitioner

12. Mr. Mohd. Asif, learned Counsel for the petitioner, at the outset, contended that the dispute in question is essentially of a civil nature, arising from competing claims over title and possession of the subject property. It was urged that despite the matter being *sub judice* before the concerned Civil Court, the impugned FIR came to be registered against the petitioner without verifying the authenticity and veracity of his title documents. On this premise, it was submitted that the allegations contained in the FIR are not only doubtful but wholly misconceived, the complainant having knowingly purchased a disputed property embroiled in litigation.

13. Learned Counsel further submitted that the petitioner is the absolute owner and landlord of the subject property, having acquired the same on 06.02.2002 from its erstwhile owners Ganpat and Savitri (wife of Beg Raj), by virtue of valid documents, namely GPA, Agreement to Sell, Affidavit and Receipt. It was pointed out that the



petitioner has consistently acted in protection of his rights: he made repeated complaints to MCD against the illegal activities of Masoom Fatima and Zeeshan Haider (the alleged vendors of the complainant), instituted Civil Suit No. 1238/2022, and also invoked the writ jurisdiction of this Court in W.P.(C) No. 182/2023. This conduct, it was urged, clearly establishes that the present FIR is a counterblast, engineered on false premises, and the petitioner has been falsely implicated.

14. It was next contended that the FIR does not attribute any specific role or allegation directly to the petitioner. It was emphasised that no material has been placed on record to show that the petitioner either demanded money from the complainant or stood to gain from the alleged acts.

15. Learned Counsel submitted that other co-accused in the same FIR have already been granted bail by competent courts. On the principle of parity, it was urged that the petitioner too deserves protection under Section 438 CrPC.

16. Lastly, it was submitted that pursuant to the interim protection granted by this Court on 05.03.2024, the petitioner has joined the investigation and has been co-operating with the Investigating Officer. It was argued that in such circumstances, custodial interrogation is neither warranted nor justified, and the petitioner is willing to abide by any conditions imposed by this Court.

Submissions on behalf of the respondents



17. *Per contra*, Mr. Raghuinder Verma, learned APP for the State, along with Mr. Saleem Ahmed, learned Counsel for the complainant, opposed the present application. It was submitted that the documents relied upon by the petitioner in support of his alleged ownership are *ex facie* forged and fabricated. Investigation revealed that the claim of purchase from Ganpat and Savitri (wife of Beg Raj) is a false assertion, inasmuch as upon verification Savitri categorically stated that she was never the owner of the subject property.

18. Learned Counsel further drew attention to the enquiry conducted from the office of the SDM, South-East District, Delhi, which confirmed that no land ever stood recorded in the name of Beg Raj (husband of Savitri) in relation to the subject property. This, according to the prosecution, establishes beyond doubt that the title papers produced by the petitioner are forged.

19. In contrast, the chain of documents placed by the complainant, culminating in the sale by Masoom Fatima to the complainants, clearly evidences the lawful transfer of the subject property. On the other hand, the petitioner's reliance on documents showing Savitri as the last owner is wholly untenable and fabricated.

20. It was further submitted that the conduct of the other co-accused also reveals their complicity in the alleged fabrication, including the fact that other co-accused, namely Nadeem Khan s/o Hikmat Khan, Bhupendra Yadav and Balbir Singh, have also filed various petitions before this Court in relation to the very same subject property. This, according to the respondents, indicates that all of them, acting in some capacity, have been involved in the creation of forged documents,



thereby demonstrating their active involvement in the alleged conspiracy.

21. It was next submitted that when this Court granted interim protection to the petitioner on 05.03.2024, it was on the representation made by him that a civil suit concerning the subject property was already pending. However, investigation has revealed that no such suit existed on that date and that the civil suit was in fact instituted only on 06.04.2024, i.e., subsequent to the grant of protection. It was thus contended that the petitioner deliberately misrepresented facts to this Court to obtain interim relief.

22. In conclusion, it was submitted that custodial interrogation of the petitioner is imperative, not only to ascertain the full extent of his involvement but also to identify other associates and to uncover whether the present case is part of a larger conspiracy or gang operating in the locality.

Analysis

23. Upon perusal of the record and the submissions advanced, this Court finds that the documents relied upon by the petitioner in support of his alleged ownership rights over the subject property appear to be forged and fabricated. The alleged documents involving Savitri and Beg Raj, which is stated to be the foundation of the petitioner's claim, has been duly enquired into by the office of the SDM, South-East District, Delhi, and the status report made after the investigation discloses glaring infirmities. The chain of documents placed on record by the petitioner, together with the names mentioned therein, do not



inspire confidence and *prima facie* appear to have been created for the purposes of the present claim.

24. This Court also cannot lose sight of the fact that multiple writ petitions have been instituted before this Court by different persons, all of whom are co-accused in the present FIR, each claiming themselves to be the owner of the subject property. The multiplicity of such claims, founded on inconsistent documents, further fortifies the *prima facie* view that the petitioner's chain of documents is forged and fabricated.

25. It is further noted that, unlike some of the co-accused, the petitioner herein appears to have had a central role in the entire chain of transactions. This Court has considered the plea of parity raised by the petitioner. However, the principle of parity is not attracted in the present case. The co-accused Bhupender Yadav and Balbir Singh, who were granted anticipatory bail by the concerned Court, were assigned roles which were not as central or active in the alleged conspiracy as that of the present petitioner, whose involvement is directly linked to the fabrication of title documents. As regards the remaining co-accused, namely Ashok Yadav and Nadeem Khan s/o Hikmat Khan, they were granted regular bail after being taken into custody and subjected to interrogation by the investigating agency. Their cases thus fall in a different category and cannot be equated with that of the petitioner for the purposes of seeking parity.

26. It is further of significance that interim protection was granted to the petitioner by this Court vide order dated 05.03.2024. That order, however, was procured on the basis of false statements, inasmuch as the civil suit relied upon by the petitioner was instituted only on



06.04.2024, i.e., subsequent to the grant of protection. This clearly establishes that the petitioner secured interim protection on the strength of a misrepresentation to this Court. Since then, the petitioner has continued to enjoy the benefit of interim protection.

27. During the course of investigation, the petitioner, while under interim protection, did join the investigation and produced certain documents purporting to show that the subject property had been purchased by him from Savitri and Ganpat. As already observed, Savitri and Ganpat never had any title in the subject property, and the transaction claimed by the petitioner is therefore of doubtful validity. Moreover, the petitioner did not extend full cooperation. He failed to produce the relevant land records pertaining to Khasra No. 260/1, and also failed to produce Savitri, from whom he purportedly purchased the property.

28. The above circumstances, taken cumulatively, demonstrate that the petitioner's case cannot be equated with that of the other co-accused persons who have been granted bail. The material on record shows that the petitioner has played a central role in the alleged acts of fabrication of documents, and his claim to protection is tainted by misrepresentation.

29. Therefore, taking into account the gravity of the allegations, petitioner being the mastermind behind the alleged fabrication of documents forming the substratum of the dispute, as well as the fact that the investigation has not yet culminated and custodial interrogation of the petitioner is considered necessary for the purposes of effective investigation, this Court is not persuaded to grant the relief sought.



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

31. It is, however, clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case, which shall be determined at the stage of trial in accordance with law.

32. The judgment be uploaded on the official website forthwith.

AJAY DIGPAUL, J.

AUGUST 25, 2025/gs/yr