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

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*Judgment reserved on: 05.05.2026**Judgment pronounced on: 25.05.2026**Judgment uploaded on: 26.05.2026*+ **BAIL APPLN. 4485/2024**

TRILOK CHAND CHAUDHARY

.....Petitioner

Through: Mr. Gaurav Sharma and Ms.
Anusha, Advocates

versus

STATE GOVT NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar,
APP for State.**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. The applicant Trilok Chand Choudhary had preferred the present application seeking regular bail in case arising out of FIR bearing no. 71/2022, registered at Police Station Economic Offences Wing, Delhi, for the offences punishable under Sections 420, 406, 467, 468, 471 and 120B of the Indian Penal Code, 1860.

2. The applicant *vide* order dated 19.12.2024 was granted regular bail by the Predecessor Bench. In the said order, it was also *inter alia* recorded and observed as under:



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“ 10. The learned senior counsel further points out that a sum of ₹2 crores is lying deposited with the Registry of this Court pursuant to order dated 28.02.2023, passed by the Coordinate Bench of this Court, in Bail Application no. 3097/2022. The said amount was deposited by the applicant to show his bona fides.

14. The learned Senior Counsel for the complainant also opposes the bail of the applicant. He, however, submits that the amount of ₹2 crores is released to the complainant, an appropriate undertaking in the form of an affidavit be directed to be filed before the Registry of this Court undertaking that the sum of ₹2 crores would be returned forthwith after the completion of the trial in case the offence is not proved against the applicant.

28. The applicant has also expressed that he has no objection if the amount deposited by him is released to the complainant to show his bonafides. Let the amount of ₹2 crores deposited with this Court be released to the complainant, subject to the complainant giving an undertaking in the form of affidavit that he will return the amount in case the applicant succeeds in the trial. The complainant shall also provide the details of a property owned by him in the affidavit, that he shall not alienate, transfer, sell or create any encumbrance in relation to, without the permission of the learned Trial Court.”

3. Thus, it was noted by the Predecessor Bench that the applicant had deposited a sum of ₹2 crores before this Court to demonstrate his *bona fides*, and had also expressed no objection to release of the said amount in favour of the victim. However, such release was made subject to the condition that the victim would furnish an undertaking to return the amount in case the applicant succeeded in trial, and would also disclose details of a property owned by him which would not be alienated or encumbered without permission of the learned Trial Court.



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4. It is not in dispute that the applicant was released on regular bail pursuant to the aforesaid order. However, the directions relating to release of the amount in favour of the complainant, subject to the complainant furnishing details of a property owned by him which he would not alienate during pendency of trial, are still pending consideration before this Court.

5. It is pertinent to note that in compliance with the aforesaid order dated 19.12.2024, the complainant/respondent no. 2 had filed an affidavit dated 24.12.2024 claiming co-ownership in property bearing no. 60A, C-5 Lane, Central Avenue, Khanpur, New Delhi. However, on 14.01.2025, the learned counsel appearing for the applicant had brought to the notice of this Court that the property mentioned in the affidavit neither belonged to nor was owned by the complainant. In response, the learned counsel appearing for the complainant had submitted that the complainant had been residing in the said property. Accordingly, this Court had directed the Investigating Officer concerned to verify the ownership status of the property.

6. Thereafter, a status report dated 10.02.2025 was filed before this Court wherein it was informed that though the complainant had been residing in the said property along with his family members, the document produced by him in relation to the property was only an agreement to sell dated 18.08.1992 concerning agricultural land situated at *khasra* no. 212, Village Khanpur, Tehsil Mehrauli, New Delhi, allegedly executed in his favour by one Sh. S.S. Duggal. The



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complainant had also furnished documents such as Aadhaar Card, telephone bills etc. reflecting the address as 60A, Sainik Farms, Khanpur, Delhi. However, the agreement to sell was sent for verification to the office of SDM (Hauz Khas), which supplied a certified copy of *khatauni* showing the land to be in the name of Sh. S.S. Duggal. Further verification conducted from the office of Sub-Registrar (Hauz Khas) revealed that the property bearing no. 60A, Sainik Farms had not even been registered. It was also reported that two disputes concerning the said property were pending.

7. Thereafter, the learned counsel appearing for the applicant had also drawn attention of this Court to an affidavit filed by the complainant in an execution petition pending before the Saket District Courts, wherein the complainant had himself stated that no sale deed or conveyance deed existed in his favour qua the said property. It was thus argued that in view of the judgment of the Hon'ble Supreme Court in *Suraj Lamp & Industries Pvt. Ltd. v. State of Haryana: JT 2011 (12) SC 654*, the complainant could not claim ownership solely on the basis of an agreement to sell.

8. On the other hand, the complainant had submitted before this Court that the property had been transferred to him through the agreement to sell dated 18.08.1992 and that he had been in peaceful possession thereof and residing therein along with his family members since 1992. It was also submitted that though the property had earlier been attached pursuant to judicial orders, the said attachment had subsequently been revoked *vide* order dated



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17.07.2025 passed by the learned District Judge (Commercial Court-05), South District, Saket Courts, Delhi, which order forms part of the record. The complainant had also undertaken before this Court to furnish an indemnity bond, as and when directed by this Court.

9. Subsequently, on 27.02.2026 respondent no. 2/complainant placed on record an affidavit dated 26.02.2026, of one Sh. Manoj Doomra as surety on behalf of complainant, for release of the amount of ₹2 crores. In the said affidavit, Sh. Manoj Doomra, resident of Ghaziabad, Uttar Pradesh, stated that he was a friend of the complainant, Jaswant Kumar Srivastava, and had furnished details of his property, i.e. M16, Shivalik Nagar, BHEL Haridwar, Uttarakhand, the market value whereof was stated to be ₹4 crores (approximately). He further undertook not to dispose of or create any encumbrance upon the said property during pendency of trial or till further orders passed by this Court.

10. By way of order dated 27.02.2026, this Court had directed verification of the documents furnished in this regard.

11. Pursuant thereto, the learned APP has filed a verification report dated 28.04.2026, stating that notice had been issued to the office of Sub-Registrar-I, Haridwar, Uttarakhand seeking verification of the property as well as its present valuation. As per the reply received, the ownership of the property stands in the names of Sh. Manoj Doomra and Smt. Shashi Doomra, and the title documents were found to be genuine and duly verified. However, the present



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valuation of the property, as per the applicable Collector circle rates, was reported to be ₹1.14 crores (approximately).

12. The learned counsel appearing for the applicant has also filed written submissions dated 30.04.2026 in response thereto, contending that the valuation of about ₹1.14 crores is substantially lower than the amount of ₹2 crores sought to be released in favour of the complainant. It is further argued that the property in question is not owned by the complainant himself, despite the condition imposed in the order dated 19.12.2024 requiring furnishing of details of a property owned by the complainant. Instead, the complainant is now seeking to rely upon a property belonging to a third party by way of surety. It is also the grievance of the applicant that as per an independent valuation report dated 06.03.2026 obtained from a qualified valuer and placed on record by him, the valuation of the said property is only about ₹77 lakhs.

13. This Court has considered the material placed on record as well as the rival submissions addressed by the parties.

14. At the outset, it is pertinent to note that while granting regular bail to the applicant *vide* order dated 19.12.2024, the Predecessor Bench had directed that the amount of ₹2 crores deposited by the applicant be released to the complainant, subject to certain specific conditions. One of the conditions expressly imposed was that the complainant would provide details of a property owned by him in the affidavit and would further undertake that he shall not alienate,



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transfer, sell or create any encumbrance in relation to the said property without permission of the learned Trial Court.

15. In purported compliance of the aforesaid condition, the complainant had initially relied upon property bearing no. 60A, Sainik Farms, Khanpur, New Delhi. However, the status report subsequently filed before this Court revealed that the complainant was unable to place on record any registered title document in respect of the said property. The documents relied upon by him primarily consisted of an agreement to sell dated 18.08.1992 along with certain identity and utility documents reflecting the said address. Verification conducted through the concerned authorities further revealed that the land stood recorded in the name of another person and that the property itself was not found to be registered. It was also brought to the notice of this Court that disputes concerning the said property were pending. Thus, at least *prima facie*, the ownership of the complainant over the said property does not appear to be clear and free from dispute.

16. Thereafter, the complainant sought to place reliance upon a property situated at Haridwar, Uttarakhand, belonging to Sh. Manoj Doomra, his friend, who has furnished an affidavit as surety and undertaken not to alienate the said property during pendency of trial. Though the verification report filed by the State indicates that the title documents of the said property are genuine and the property stands in the names of Sh. Manoj Doomra and Smt. Shashi Doomra, the fact remains that the property is not owned by the complainant himself.



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Further, as per the valuation received from the concerned Sub-Registrar, the value of the said property is about ₹1.14 crores, which is less than the amount of ₹2 crores sought to be released.

17. This Court is of the opinion that the order dated 19.12.2024 specifically contemplated furnishing details of a property “owned by” the complainant. The above proposals placed before this Court involve either a property whose ownership, *prima facie*, is itself under dispute, or alternatively, a property belonging to a third party. In these circumstances, this Court is of the considered view that it may not be appropriate for this Court to either dilute or expand the scope of the conditions imposed in the said order while exercising jurisdiction in the present proceedings.

18. Accordingly, in case the complainant seeks release of the amount deposited before this Court on the basis of the present proposals or seeks acceptance of third-party surety/security in place of a property owned by him, it would be appropriate for him to file an appropriate application seeking clarification/modification of the order dated 19.12.2024, if so advised.

19. Till then, the amount of ₹2 crores deposited before this Court by the applicant shall continue to remain deposited with the Registry of this Court, subject to further orders that may be passed in the present case.

20. No further orders are called for at this stage.



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21. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 25, 2026/zp
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