

Bail Application No.1919/21
FIR No.35/2021
P.S. Wazirabad
U/s 328/366/376/343/34 IPC
State Vs. Sudha

29.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

This is an application moved for accused Sudha under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. Mahender Singh, Ld. Counsel for accused/applicant through VC.

Reply of IO received.

At this juncture, Ld. Counsel for accused/applicant submits that he does not want to pursue the present application. In view of request of Ld. Counsel for applicant, present application is dismissed as withdrawn.

Copy of order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/29.07.2021

Bail Application No.1920/21
FIR No.136/21
P.S. Roop Nagar
U/s 392/394/34 IPC
State Vs. Sonu @ Suraj

29.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

This is an application moved for accused under Section 439 Cr.P.C., for grant of interim bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. Akhil Tarun Ld. Counsel for accused/applicant
through VC.

Reply of the IO received. However, the medical grounds on which the interim bail has been sought, is not mentioned in the reply.

Let fresh notice of the application be sent to the IO to file fresh reply specifically qua the grounds mentioned in the application on NDOH.

List for arguments on 03.08.2021.

Copy of order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/29.07.2021

Bail Application No.2005/21
FIR No.254/2021
P.S. Burari
U/s 376 IPC
State Vs. Saurabh Singh Thakur

29.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

Fresh 2nd application moved for accused under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. Anurag Sharma, Ld. Counsel for accused/applicant through VC.

Sh. Sandeep Mishra, Ld. Counsel for complainant.

Let reply of the application be called from IO/SHO for NDOH. At this stage, Ld. Counsel for complainant has raised issue of maintainability of the present application. Accordingly, IO is directed to file reply on this aspect also on NDOH.

List for arguments on 05.08.2021.

Copy of order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/29.07.2021

Mcr. No.316/21
FIR No.166/2020
P.S. Roop Nagar
U/s 420/120-B/34 IPC
State Vs. Arun Kumar Omar

29.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

Fresh application moved for accused Arun Kumar Omar under Section 439 (b) Cr.P.C., seeking modification in the condition imposed in order dated 07.11.2020.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.
Sh. Praveen Tyagi, Ld. Counsel for accused/applicant through VC.

At this stage, Ld. Counsel for applicant submits that the present application be transferred in the Court of Ms. Neelofer Abida Perveen, Ld. ASJ, Central, THC, Delhi as the order dated 05.08.2021 which needs to be modified was passed by the said Court. Accordingly, the present bail application be put up before the Court of Ms. Neelofer Abida Perveen, Ld. ASJ, Central, THC, Delhi for 05.08.2021 for disposal as per law.

Ahlmad is directed to send the file well within time.

Order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/29.07.2021

Bail Application No.1918/21

FIR No.567/2016

P.S. Burari

U/s 420/468/471 IPC R/w S. 14 Foreigners Act & S.12 of Passport Act
State Vs. Obeifoka Friday Okeke @ Obiora Tony Okeke

29.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

An application moved for accused Obeifoka Friday Okeke @ Obiora Tony Okeke under Section 439 Cr.P.C., for grant of bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. Anoop Kumar Gupta, Ld. Counsel for

accused/applicant through VC.

The first bail application was decided on merits vide order dated 15.06.2021 by the court of Sh. Vijay Shankar, Ld. ASJ-05, Central, THC Delhi.

In view of the **judgment passed by Hon'ble Supreme Court in case titled as Jagmohan Bahl & Anr. Vs. State (NCT of Delhi) & Anr. Criminal Appeal no. 2335 of 2014 dated 18.12.2014**, the bail application is requested to be placed before the same court.

Let the matter be put up before the Court of Sh. Vijay Shankar, Ld. ASJ-05, Central, THC Delhi for 06.08.2021.

Ahlmad to send the records accordingly.

Copy of order be uploaded on the website.

(Arul Varma)

ASJ/Special Judge, Electricity

Court No. 02, Central

Tis Hazari/Delhi/29.07.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

BAIL APPLICATION NO. 1984/21/21

FIR No. 164/21

PS Bara Hindu Rao

U/s 419/420/411/201/34 IPC

State vs Qasim Jojo Jafri

29.07.2021

Vide Order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Wazirabad and Crime Branch of Central Police District through Video Conferencing Mode.

This is an application under Section 439 Cr.P.C., moved for accused Qasim Jojo Jafri for grant of regular bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for the State through VC.

Sh. Sanjeev Mali, Ld. Counsel for applicant through VC.

IO/SHO Inspector Gurnam Singh, PS Bara Hindu Rao through VC.

Order on the Bail Application

1. Vide this order, this Court shall adjudicate upon the bail application under Section 439 Cr.P.C., filed on behalf of the accused/applicant Qasim Jojo Jafri. Arguments heard *in extenso*, the gist whereof is discussed hereunder.

2. Ld. Counsel for applicant/accused submitted that applicant/accused has been falsely implicated in the present case. Ld. Counsel further submitted that the TIP conducted is highly doubtful as nowhere it has been mentioned in the FIR that whether at the time of commission of offence, accused persons were wearing mask or not, as it is mandatory to wear mask due to pandemic of Covid-19. It was further submitted that the SCRB contains wrong information, as the accused was not involved in FIR No. 0098/2019, under Section 420/34 IPC PS K.M.Pur. Lastly, Ld. Counsel submitted that no recovery has been effected from the accused, and accordingly he should be enlarged on bail.

3. *Per contra*, Ld Addl. PP for the State and IO have vehemently opposed the bail application as per law. Ld. Additional PP submitted that investigation is at nascent stage as three more co-accused are yet to be apprehended, and recovery of remaining case property is yet to be done. Accused was identified by the complainant during the TIP. Ld. Additional PP submitted that

accused herein is a habitual offender and he has previously been involved in 6 cases. Lastly, Ld. Additional PP made an apprehension that if accused is released on bail, he may commit similar offences again. Therefore, it was submitted that he should not be enlarged on bail.

4. Submissions of both sides heard.

5. Before adverting to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It was alleged that on 10.06.2021, the complainant Sukhendu Jana was going to deliver his approx 915 Grams jewelery to Chandni Chowk, Delhi. In the way, at about 2:15 p.m., when his auto reached near DCM Mall, four persons on two motorcycles stopped their auto on the pretext of checking by Crime branch Officers, and took his bag of jewellery. They asked him to bring the bill from his shop and fled away with jewelery bag. On the statement of complainant, present case was registered. During the investigation accused herein was arrested.

6. Perusal of record would reveal that accused is involved in atleast five cases of similar nature. Accused might have even been sent to judicial custody in a few of these matters. It seems

that he has not mended his recalcitrant ways. Considering the role attributed by the accused in the present commission of offence, and identification of accused in TIP proceedings, taking into the account the fact that accused is a habitual offender, other co-accused persons are yet to apprehended, and the remaining case property is yet to recovered, this Court is not inclined to accede to the request of the Ld. Counsel of accused.

7. Under these circumstances, considering the abovesaid facts, this Court is not inclined to grant bail to the accused Qasim Jojo Jafri at this juncture, and therefore present application is hereby dismissed.

8. With these observations, the bail application moved on behalf of accused/applicant Qasim Jojo Jafri stands disposed off.

9. Copy of the order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/29.07.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

BAIL APPLICATION NO. 1921/21
e-FIR NO. 4992/2020
PS Maurice Nagar
U/s 379/411 IPC
State vs Sagar

29.07.2021

Vide Order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Wazirabad and Crime Branch of Central Police District through Video Conferencing Mode.

This is an application under Section 439 Cr.P.C., moved for accused Sagar for grant of regular bail.

Present: Ms. Shweta Varma, Ld. Addl. PP for the State through VC.

Sh. Yunit Pal, Ld. Counsel for applicant through VC.

IO through VC.

Order on the Bail Application

1. Vide this order, this Court shall adjudicate upon the bail

application under Section 439 Cr.P.C., filed on behalf of the accused/applicant Sagar. Arguments heard *in extenso*, the gist whereof is discussed hereunder.

2. Ld. Counsel for applicant/accused submitted that applicant/accused has been falsely implicated in the present case. Ld. Counsel for accused submitted that accused is only sole bread winner of his family. Lastly, Ld. Counsel submitted that recovery, if any, has already been effected, chargesheet has already been filed and as such custodial interrogation is not required, and accordingly he should be enlarged on bail.

3. *Per contra*, Ld Addl. PP for the State and IO have vehemently opposed the bail application as per law. Ld. Additional PP submitted that accused has been previously involved in number of criminal cases and she submitted that there is every likelihood that accused may commit similar offences again, if enlarged on bail. IO submitted that accused is a habitual offender and he keeps changing his name and address. Lastly, IO submitted that during his interim bail also, he committed offences. Therefore, it was submitted that he should not be enlarged on bail.

4. Submissions of both sides heard.

5. Perusal of record would reveal that chargesheet has already been filed in the present matter. However, it is pertinent to note that accused has previously been involved in as many as 27 cases including those pertaining to robbery, attempt to murder, theft and under the Arms Act. It was also brought to fore that despite being released on bail the application accused herein did not mend his ways, and went on to commit other offences. This recalcitrant conduct of the accused has constrained the Court to disallow the application. Under these circumstances, considering the abovesaid facts, this Court is not inclined to grant bail to the accused Sagar at this juncture, and therefore present application is hereby dismissed.

6. With these observations, the bail application moved on behalf of accused/applicant Sagar stands disposed off.

7. Copy of the order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/29.07.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 946/21
FIR No. 124/2021
U/s 420/120B/34 IPC
P.S. Subzi Mandi
State Vs. Harpal Singh

29.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

Present application u/s 438 Cr.P.C. has been filed on behalf of accused Harpal Singh for grant of anticipatory bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.
Sh. S.L. Sagar, Ld. Counsel for applicant through VC.
Sh. C.S. Parashar, Ld. Counsel for complainant through VC.
IO/SI Rahul Raushan is present through VC.

ORDER ON ANTICIPATORY BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the applicant. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant /accused submitted that the allegations of forging cheques cannot be believed in as much as banks would

be circumspect in honouring such forged cheques. It was further contended that when the deal of transfer of property was sealed for an amount of Rs. 40 lakhs, no occasion would arise for cheating the complainant of an amount of Rs. 1 crore. Doubts were also raised on the allegation of intention of the complainant to purchase a property which was not in the possession of alleged vendor Bhagwat Singh. It was further submitted that property was situated in Delhi, therefore no occasion arose to execute the GPA in Ghaziabad. It was further contended that it was Babloo Khan who introduced complainant and Bhagwat Singh and thus applicant did not have any role to play. Lastly it was submitted that the applicant was not a witness to the execution of any document, no recovery is to be effected from him, custodial interrogation is thus not required, and thus he ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State alongwith the IO, assisted by Ld. Counsel for complainant vehemently opposed the anticipatory bail application as per law. It was submitted that it is an admitted fact that money was transferred to the applicant by the complainant. It was strenuously canvassed that the reason for such transfer needs to be explored, and details of transactions have to be ascertained, and for this purpose custodial interrogation is imperative.

4. Before advertng to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It is alleged by the complainant that the alleged person namely Bhagwat Singh along with Harpal and other associates conspired with each other and with their dishonest intentions trap the complainant by introducing Bhagwat Singh as owner and in possession of property land measuring 720 Sq. Yards out of Khasra No. 202, situated in the area of Village Chauhan Patti, Illaqa Shahdara, Delhi. All the alleged persons were well aware that Bhagwat Singh is not the owner of the said property. The accused persons were given post dated cheques but they encashed the cheques by forging them, and made the cheques pertaining to the year 2021 to 2020 and in all cheated the complainant to the tune of Rs 1,00,000,00/- without giving the property. The deal of the above said property was finalized for an amount of Rs 40,00,000/- with the alleged Bhagwat Singh. That one of the accused Bablu Khan got Rs 4,00,000/- towards commission for sale of the aforesaid property through cheque No.000215, 000216, 000217 & 000218 each of Rs 1,00,000/- all drawn on Bank Of Baroda Jawahar Nagar, Delhi. It was further alleged that on 31.07.2020 accused Ompal S/o Khacharu took Rs 10,00,000/- from the complainant by representing himself to be in possession of the above said property through five cheques of Rs 2,00,000/- each. The complainant, upon discovering the

conspiracy, asked them either to hand over the possession or return his amount. During inquiry, accused Bhagwat Singh stated that he is the owner of the alleged Plot i.e. admeasuring 720 Sq.Yards out of Khasra No.202, situated in the area of Village Chauhan Patti, Illaqa Shahdara, Delhi and he has purchased the alleged property from one Mahaveer. He further stated that his Known Intezaar and Babloo Khan introduced him with the complainant and finalized the deal of plot i.e. 720 Sq.Yards out of Khasra No.202, situated in the area of Village Chauhan Patti, Illaqa Shahdara, Delhi. On the said property Ompal was in possession and was running a petrol Shop, but his relative Harpal Pursued him and after taking Rs 10,00,000/- from the complainant handed over the keys of the shop to the complainant and Harpal & Ompal has given the same in writing. On 23.07.2020 he executed GPA in favour of the complainant Gurucharan Singh Pawa at Ghaziabad and Intezaar & Babloo Khan stood witness on the same. He further stated that he received a sum of Rs 26,00,000/- only from the complainant and executed Deed of Will, Agreement to sell and purchase, General power of attorney, Affidavit, Receipt, possession letter on 07.09.2020. He further stated that Harpal and Ompal are the one who did not hand over the possession later despite receiving the amount of Rs 10,00,000/- from the complainant.

During the course of further inquiry the alleged piece of land 720

Sq.Yards out of Khasra No.202, situated in the area of Village Chauhan Patti, Illaqa Shahdara, Delhi was physically visited and on the said piece of land one Dalchand S/o Lt. Sh. Chotan R/o Village-Chauhan Patti, near Mangal Bazaar road, Delhi was found in possession and was running petrol/kerosene oil shop. Dalchand was examined in regards to his possession on the property. He stated that the present piece of land is Khasra No.191 Village-Chauhan Patti, near Mangal Bazaar road, Delhi and since last 6-7 Years he is running a shop of petrol/kerosene oil in small quantity. The above piece of land is admeasuring about 800 Sq. Yards and is ancestral land on which he and his uncle's son Ompal is in possession. He further stated that he does not know anyone by the name of Bhagwat. The plot that have been sold by Bhagwat bears Khasra No.202 and he is in possession of Khasra No.191 and the plot is their ancestral property. He further stated that he and his brother is running the said shop and Ompal is not working with them.

During further course of inquiry the Bhagwat was again contacted and was asked to show the piece of land to which he stated that he is ready to return the alleged amount to the complainant but did not joined the enquiry again despite several conversations and refused to visit the alleged piece of land sold by him to the complainant. During local enquiry regarding the alleged piece of land sold by the alleged Bhagwat Singh it has come to light that

the actual Khasra of the land is 168 and is a Gram Sabha land to which complaints has already been filed by one Ashrafi W/o Rew Singh R/o Village Village- Chauhan Patti, Sabha pur Delhi and his Son Charat Singh. It has further come to light that in regards to the said piece of land Hon'ble High Court of Delhi has also ordered to remove the entire illegal unauthorized construction and encroachment done over the gram Sabha land/public way bearing Kh. No.168 Village Sabhapur, Delhi on the Writ petition (Civil) 8503 of 2018 filed by Charat Singh S/o Rew Singh R/o Village Chauhan Patti, Sabha pur Delhi. Thus, on the basis of the above inquiry, present FIR came to be registered.

5. Since the issue of non-joining in investigation was raised by the IO during the course of arguments, it would be apposite to reproduce the following extracts of ***Bhadresh Bipin Bhai Sheth Vs. State of Gujarat & Anr., (2016) 1 Supreme Court Cases 152:-***

“The principles for grant of anticipatory bail can be summarised as follows:-

(i).....

(ii).....

(iii) It is imperative for the courts to carefully and with meticulous precision evaluate the facts of the case. The discretion to grant bail must be exercised on the basis of the available material and the facts of the particular case. In cases where the court is of the considered view that the accused has joined the investigation and he is fully cooperating with the investigating agency and is not likely to abscond, in that event, custodial interrogation should be avoided. A great ignominy,

humiliation and disgrace is attached to arrest. Arrest leads to many serious consequences not only for the accused but for the entire family and at times for the entire community. Most people do not make any distinction between arrest at a pre-conviction stage or post-conviction stage.....”

6. Further, advertng to the contentions of Ld. Counsel for applicant, it is trite that banks are circumspect in clearing cheques which have material alterations, but the same cannot be said of cheques forged with precision. Further, during the course of arguments it was submitted by Ld. Counsel for the complainant that in law there is no impediment in execution of a GPA qua property which is situated in another city. Further, during the course of arguments the IO had submitted that notice u/s 41A Cr.P.C. was given to the applicant on 01.04.2021, and even two raids were conducted, however the applicant absconded. It has also come to the fore that applicants Harpal and Ompal had represented to the complainant that Bhagwat Singh is the owner of the property in question. Cheating of a substantial amount of money has been levelled against the applicant and his cohorts, and for effective investigation this Court is of the opinion that custodial interrogation is required.
7. Under these circumstances, taking into the account the gravity of the offence, severity of the punishment that the offence entails, factum of the applicant not joining or cooperating with the

investigation and the role attributed to the applicant herein, this Court is of the opinion that the accused ought not to be granted anticipatory bail at this juncture. Accordingly, the present anticipatory bail application is hereby dismissed.

8. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the anticipatory bail application stands disposed off.
9. Copy of the order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/29.07.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 961/2021
FIR No. 124/2021
U/s 420/120B/34 IPC
P.S. Subzi Mandi
State Vs. Ompal Singh

29.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

Present application u/s 438 Cr.P.C. has been filed on behalf of accused Ompal Singh for grant of anticipatory bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.
Sh. S.L. Sagar, Ld. Counsel for applicant through VC.
Sh. C.S. Parashar, Ld. Counsel for complainant through VC.
IO/SI Rahul Raushan is present through VC.

ORDER ON ANTICIPATORY BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the applicant. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant /accused submitted that the allegations of forging cheques cannot be believed in as much as banks would

be circumspect in honouring such forged cheques. It was further contended that when the deal of transfer of property was sealed for an amount of Rs. 40 lakhs, no occasion would arise for cheating the complainant of an amount of Rs. 1 crore. Doubts were also raised on the allegation of intention of the complainant to purchase a property which was not in the possession of alleged vendor Bhagwat Singh. It was further submitted that property was situated in Delhi, therefore no occasion arose to execute the GPA in Ghaziabad. It was further contended that it was Babloo Khan who introduced complainant and Bhagwat Singh and thus applicant did not have any role to play. Lastly it was submitted that the applicant was not a witness to the execution of any document, no recovery is to be effected from him, custodial interrogation is thus not required, and thus he ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State alongwith the IO, assisted by Ld. Counsel for complainant vehemently opposed the anticipatory bail application as per law. It was submitted that it is an admitted fact that money was transferred to the applicant by the complainant. It was strenuously canvassed that the reason for such transfer needs to be explored, and details of transactions have to be ascertained, and for this purpose custodial interrogation is imperative.

4. Before advertng to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It is alleged by the complainant that the alleged person namely Bhagwat Singh along with Harpal and other associates conspired with each other and with their dishonest intentions trap the complainant by introducing Bhagwat Singh as owner and in possession of property land measuring 720 Sq. Yards out of Khasra No. 202, situated in the area of Village Chauhan Patti, Illaqa Shahdara, Delhi. All the alleged persons were well aware that Bhagwat Singh is not the owner of the said property. The accused persons were given post dated cheques but they encashed the cheques by forging them, and made the cheques pertaining to the year 2021 to 2020 and in all cheated the complainant to the tune of Rs 1,00,000,00/- without giving the property. The deal of the above said property was finalized for an amount of Rs 40,00,000/- with the alleged Bhagwat Singh. That one of the accused Bablu Khan got Rs 4,00,000/- towards commission for sale of the aforesaid property through cheque No.000215, 000216, 000217 & 000218 each of Rs 1,00,000/- all drawn on Bank Of Baroda Jawahar Nagar, Delhi. It was further alleged that on 31.07.2020 accused Ompal S/o Khacharu took Rs 10,00,000/- from the complainant by representing himself to be in possession of the above said property through five cheques of Rs 2,00,000/- each. The complainant, upon discovering the

conspiracy, asked them either to hand over the possession or return his amount. During inquiry, accused Bhagwat Singh stated that he is the owner of the alleged Plot i.e. admeasuring 720 Sq.Yards out of Khasra No.202, situated in the area of Village Chauhan Patti, Illaqa Shahdara, Delhi and he has purchased the alleged property from one Mahaveer. He further stated that his Known Intezaar and Babloo Khan introduced him with the complainant and finalized the deal of plot i.e. 720 Sq.Yards out of Khasra No.202, situated in the area of Village Chauhan Patti, Illaqa Shahdara, Delhi. On the said property Ompal was in possession and was running a petrol Shop, but his relative Harpal Pursued him and after taking Rs 10,00,000/- from the complainant handed over the keys of the shop to the complainant and Harpal & Ompal has given the same in writing. On 23.07.2020 he executed GPA in favour of the complainant Gurucharan Singh Pawa at Ghaziabad and Intezaar & Babloo Khan stood witness on the same. He further stated that he received a sum of Rs 26,00,000/- only from the complainant and executed Deed of Will, Agreement to sell and purchase, General power of attorney, Affidavit, Receipt, possession letter on 07.09.2020. He further stated that Harpal and Ompal are the one who did not hand over the possession later despite receiving the amount of Rs 10,00,000/- from the complainant.

During the course of further inquiry the alleged piece of land 720

Sq.Yards out of Khasra No.202, situated in the area of Village Chauhan Patti, Illaqa Shahdara, Delhi was physically visited and on the said piece of land one Dalchand S/o Lt. Sh. Chotan R/o Village-Chauhan Patti, near Mangal Bazaar road, Delhi was found in possession and was running petrol/kerosene oil shop. Dalchand was examined in regards to his possession on the property. He stated that the present piece of land is Khasra No.191 Village-Chauhan Patti, near Mangal Bazaar road, Delhi and since last 6-7 Years he is running a shop of petrol/kerosene oil in small quantity. The above piece of land is admeasuring about 800 Sq. Yards and is ancestral land on which he and his uncle's son Ompal is in possession. He further stated that he does not know anyone by the name of Bhagwat. The plot that have been sold by Bhagwat bears Khasra No.202 and he is in possession of Khasra No.191 and the plot is their ancestral property. He further stated that he and his brother is running the said shop and Ompal is not working with them.

During further course of inquiry the Bhagwat was again contacted and was asked to show the piece of land to which he stated that he is ready to return the alleged amount to the complainant but did not joined the enquiry again despite several conversations and refused to visit the alleged piece of land sold by him to the complainant. During local enquiry regarding the alleged piece of land sold by the alleged Bhagwat Singh it has come to light that

the actual Khasra of the land is 168 and is a Gram Sabha land to which complaints has already been filed by one Ashrafi W/o Rew Singh R/o Village Village- Chauhan Patti, Sabha pur Delhi and his Son Charat Singh. It has further come to light that in regards to the said piece of land Hon'ble High Court of Delhi has also ordered to remove the entire illegal unauthorized construction and encroachment done over the gram Sabha land/public way bearing Kh. No.168 Village Sabhapur, Delhi on the Writ petition (Civil) 8503 of 2018 filed by Charat Singh S/o Rew Singh R/o Village Chauhan Patti, Sabha pur Delhi. Thus, on the basis of the above inquiry, present FIR came to be registered.

5. Since the issue of non-joining in investigation was raised by the IO during the course of arguments, it would be apposite to reproduce the following extracts of ***Bhadresh Bipin Bhai Sheth Vs. State of Gujarat & Anr., (2016) 1 Supreme Court Cases 152:-***

“The principles for grant of anticipatory bail can be summarised as follows:-

(i).....

(ii).....

(iii) It is imperative for the courts to carefully and with meticulous precision evaluate the facts of the case. The discretion to grant bail must be exercised on the basis of the available material and the facts of the particular case. In cases where the court is of the considered view that the accused has joined the investigation and he is fully cooperating with the investigating agency and is not likely to abscond, in that event, custodial interrogation should be avoided. A great ignominy,

humiliation and disgrace is attached to arrest. Arrest leads to many serious consequences not only for the accused but for the entire family and at times for the entire community. Most people do not make any distinction between arrest at a pre-conviction stage or post-conviction stage.....”

6. Further, advertent to the contentions of Ld. Counsel for applicant, it is trite that banks are circumspect in clearing cheques which have material alterations, but the same cannot be said of cheques forged with precision. Further, during the course of arguments it was submitted by Ld. Counsel for the complainant that in law there is no impediment in execution of a GPA qua property which is situated in another city. Further, during the course of arguments the IO had submitted that notice u/s 41A Cr.P.C. was given to the applicant on 01.04.2021, and even two raids were conducted, however the applicant absconded. It has also come to the fore that applicants Harpal and Ompal had represented to the complainant that Bhagwat Singh is the owner of the property in question. Cheating of a substantial amount of money has been levelled against the applicant and his cohorts, and for effective investigation this Court is of the opinion that custodial interrogation is required.
7. Under these circumstances, taking into the account the gravity of the offence, severity of the punishment that the offence entails, factum of the applicant not joining or cooperating with the

investigation and the role attributed to the applicant herein, this Court is of the opinion that the accused ought not to be granted anticipatory bail at this juncture. Accordingly, the present anticipatory bail application is hereby dismissed.

8. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the anticipatory bail application stands disposed off.
9. Copy of the order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/29.07.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 1922/21
FIR No. 351/2021
U/s 379/411 IPC
P.S. Wazirabad
State Vs. Shahzad

29.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

Present application u/s 439 Cr.P.C. has been filed on behalf of accused Shahzad for grant of regular bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Rahmat Siddiqui, Ld. Counsel for applicant through VC.
IO has not joined the proceedings.

ORDER ON BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant / accused submitted that applicant has been falsely implicated in the present case. It was strenuously canvassed by Ld. Counsel for applicant that applicant is merely a

scrap dealer and is in J/C since 08.07.2021. It was submitted that nothing has been recovered from the possession of applicant. It was further submitted that no prudent person would keep the stolen items for a month in his custody. It was submitted that applicant is the sole bread winner of his family having two minor children to look after. Thus, applicant ought to be granted bail.

3. *Per contra*, Ld Addl. PP for the State vehemently opposed the bail application as per law. It was submitted that case property was recovered from the applicant. It was further submitted that as per the report of the IO, applicant is already involved in other offences. It was further submitted that after the arrest of applicant, incidents of theft have reduced in the area.
4. Submission heard record perused.
5. A perusal of the record reveals that upon the disclosure statement of co-accused Sartaz @ Imran, it was revealed that he sold the stolen articles to applicant herein, and recovery of the stolen articles was also recovered from the applicant herein. It has also been brought to the fore that the applicant has been implicated in earlier cases of receiving stolen property. During the course of arguments, Ld. Counsel for applicant had conceded that FIR No. 45/2017, U/s 380/411 IPC, P.S. Timarpur was disposed off on 14.08.2018 after the applicant herein entered a plea of guilt in the plea bargaining proceedings before the Court. The role of the applicant herein has been alleged to be that of Fagin, a fictional

character in the novel Oliver Twist, authored by Charles Dickens. Fagin was the leader of a group of children whom he taught to make their living by pickpocketing, and committing other criminal activities. In the present case too, it was averred by the IO that the applicant herein encourages children and other youngsters who are hooked on drugs, to commit theft and bring to him the stolen articles. In exchange of the stolen goods, the applicant allegedly gave money to them in order to procure drugs to satiate their cravings. This Court thus concurs with the submissions of the IO that to extirpate such nefarious tendencies, offenders like the applicant herein ought to be kept at bay. It has also been reported that since the applicant herein has been incarcerated, incidences of theft in the area have reduced. **The IO/HC Dharmendra Singh and SHO, P.S. Wazirabad deserve to be commended for their vigilance over the area.** Investigation is under way and charge sheet is yet to be filed in this case. Lastly, the complicity of the applicant in an earlier such case thus disentitles him for grant of bail at this juncture.

6. Under these circumstances, taking into the account the gravity of the offence, severity of the punishment that the offence entails and the role attributed to the accused herein, this Court is of the opinion that the accused ought not to be granted bail at this juncture. Accordingly, the present bail application is hereby dismissed.

7. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the bail application stands disposed off.
8. **Copy of this order be sent to DCP concerned for information qua para-5.**
9. Copy of the order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/28.07.2021

**THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 1964/21
FIR No. 106/21
U/s 376 IPC
P.S. Maurice Nagar
State Vs. Rajpal Yadav

29.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

Present application u/s 438 Cr.P.C. has been filed on behalf of accused Rajpal Yadav for grant of anticipatory bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.
Sh. Jai Singh Yadav, Ld. Counsel for applicant through VC.
Ms. Lakshmi Raina, Ld. Counsel for complainant from DCW
alongwith complainant through VC.
IO/WSI Parphulla Khalko is present through VC.
Report of IO received.

ORDER ON ANTICIPATORY BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the applicant. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant /accused submitted that applicant has been falsely implicated in the present FIR and he has nothing to

do with the alleged offence. He further submitted that complainant had already filed similar type of complaints against 2-3 persons before filing of this complaint, and this fact has also been admitted by complainant and her sister. It was submitted that complainant is pressurizing the applicant for marriage or to otherwise bear all her expenses including accommodation. It was submitted that applicant has clean antecedents and he is pursuing his Ph.D. from Delhi University. Thus, he ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State alongwith the IO, assisted by Ld. Counsel for the complainant vehemently opposed the anticipatory bail application as per law. It was submitted that applicant did not cooperate with investigation. It was submitted that heinous offence of rape has been committed by the applicant. It was submitted that applicant has established physical relations with the complainant on the pretext of marriage, and thus ought not be granted anticipatory bail.
4. Before adverting to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It was alleged by the complainant, that on 16.02.2020 she met applicant at Faculty of Art College and thereafter they exchanged phone numbers and friendship developed between them. It was submitted that they used to meet regularly at Model Town lake. Although the date has not been

specified, it was alleged that she was tired and thereafter applicant took her to his room and forcefully established sexual relations with her, and thereafter on the pretext of marriage, made sexual relations with her on various occasions. It was alleged that applicant even made her drink alcohol. Thereafter, the relationship continued till a time came when the applicant started ignoring her and refused for marriage. Thus the complaint was filed and the present FIR came to be registered.

5. At this juncture, it would be apposite to peruse the following extracts of *Shivashankar @ Shiva Vs. State of Karnataka, CA No. 504 of 2018 decided by Hon'ble Supreme Court of India on 06.04.2018:*

“In the facts and circumstances of the present case, it is difficult to sustain the charges levelled against the appellant who may have possibly, made a false promise of marriage to the complainant. It is, however, difficult to hold sexual intercourse in the course of a relationship which has continued for eight years, as ‘rape’ especially in the face of the complainant’s own allegation that they lived together as man and wife.”

6. There are a catena of judgments which allude to the proposition that inducement to have a physical relationship by promising marriage and the victim falling prey to such inducement may be understandable in the context of the moment. A promise of marriage cannot be held out as an inducement for engaging in sex over a protracted and indefinite period of time.

7. A perusal of the record reveals that admittedly sexual relations existed between the parties, which continued for a few months. During the course of arguments, Ld. Counsel for the applicant had placed reliance on WhatsApp chats between the prosecutrix and applicant to contend that relations between them were established with consent. The prosecutrix is a person who has attained majority. In the light of the judgment quoted above, and keeping in mind the history of relationship of the applicant and the prosecutrix, this Court does not deem it fit to allow apprehension of the applicant at this juncture. As far as the apprehension that the applicant may not cooperate in the investigation is concerned, appropriate directions are being mentioned in this order to take care of such eventuality.
8. Accordingly, keeping in mind the facts and circumstances of this case, this Court deems it fit to grant anticipatory bail to the applicant Rajpal Yadav on the following conditions:-
- i. In the event of arrest, applicant shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 10,000/- with one surety of the like amount to the satisfaction of the SHO/IO.
 - ii. The applicant is directed not to leave the country without prior permission of the Court.
 - iii. The applicant shall join investigation as and when called for.

- iv. The applicant is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.
 - v. The applicant shall give his address to the IO and if he changes the address he shall intimate the same to the IO.
 - vi. The applicant shall not, directly or indirectly, contact or pressurize, complainant or any other witness. In case any complaint is received from the complainant that the applicant is trying to contact him/her and trying to put pressure on him/her then the protection granted by this Court shall stand cancelled.
9. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the anticipatory bail application stands disposed off.
10. Copy of the order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/29.07.2021