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

+ BAIL APPLN. 320/2023

SANDEEP BHORA

..... Petitioner

Through: Mr. Vivek Sharma and Mr. Chandra
Bhan Singh, Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Ritesh Kumar Bahri, APP for
State.

SI Sanjay Yadav, PS Jyoti Nagar.
Ms. Himani Aggarwal, Advocate for
the complainant along with AR
Manoj Bansal.

+ BAIL APPLN. 323/2023

DR. S.S BHORA

..... Petitioner

Through: Mr. Vivek Sharma and Mr. Chandra
Bhan Singh, Advocates.

versus

STATE OF GNCT OF DELHI

..... Respondent

Through: Mr. Ritesh Kumar Bahri, APP for
State.

SI Sanjay Yadav, PS Jyoti Nagar.
Ms. Himani Aggarwal, Advocate for
the complainant along with AR
Manoj Bansal.

+ BAIL APPLN. 335/2023

NARENDRA SINGH

..... Petitioner

Through: Mr. Vivek Sharma and Mr. Chandra
Bhan Singh, Advocates.

versus



STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Ritesh Kumar Bahri, APP for State.

SI Sanjay Yadav, PS Jyoti Nagar.

Ms. Himani Aggarwal, Advocate for the complainant along with AR Manoj Bansal.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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04.10.2023

BAIL APPLN. 320/2023, BAIL APPLN. 323/2023 & BAIL APPLN. 335/2023

1. By way of the present applications, the three applicants seek anticipatory bails in FIR No.584/2022, FIR No.557/2022 and FIR No.585/2022 respectively. All the aforesaid FIRs are under Sections 420/467/468/471/448/120B of the Indian Penal Code, 1860 (IPC) registered at Police Station Jyoti Nagar.

2. Vide order dated 2nd February, 2023, the applicants were granted interim protection by this Court.

3. Counsel appearing for the applicants submits that the applicants were the *bona fide* purchasers of certain plots of land located at Kailash Colony, Jyoti Nagar, Shahdara District which they had purchased from M/s Capital Land Builders Pvt. Ltd./complainant company vide registered sale deeds in 2007. The aforesaid sale deeds were executed in favour of the applicants by one Mr. Ajay Yadav claiming to be the director of the complainant company.

4. The aforesaid sale deeds were challenged by the complainant company in various civil suits filed in the year 2007 in which all the



applicants were the defendants.

5. FIR No.612/2007 registered at Police Station Mansarovar Park was also filed against Mr. Ajay Yadav and his associates.

6. Counsel for the applicant has drawn the attention of the Court to the supplementary chargesheet filed in FIR No.612/2007, wherein it is noted that the applicants were the *bona fide* purchasers of the plots of land.

7. Counsel for the applicants submits that the complainant company was well-aware of the aforesaid sale deeds in favour of the applicants by Mr. Ajay Yadav in the year 2007, nevertheless the present FIRs have only been registered in the year 2022.

8. It is further stated that the applicants have throughout joined investigation and cooperated in the investigation and handed over the original sale deeds in their favour to the Investigating Officer (IO).

9. Learned APP appearing on behalf of the State submits that the applicants have failed to furnish the Authority Letter dated 19th April, 2007 in favour of Mr. Ajay Yadav which authorized Mr. Ajay Yadav to execute the sale deeds in favour of the applicants.

10. Counsel for the complainant company submits that the applicants were acting in collusion with Mr. Ajay Yadav. It is further submitted that there was an interim order in the civil suit restraining Mr. Ajay Yadav and his associates from selling the aforesaid properties, yet the aforesaid properties were sold by Mr. Ajay Yadav and his associates in favour of the applicants.

11. Counsel for the applicants rebuts the aforesaid submission by stating that the applicants were never made aware of the aforesaid interim orders. It is further stated that the applicants never obtained the Authority Letters in



favour of Mr. Ajay Yadav.

12. I have heard the counsels for the parties and perused the material on record.

13. From the material on record, it appears that the complainant company was well aware of the sale deeds executed in favour of the applicants by Mr. Ajay Yadav in the year 2007. However, the present FIRs were registered only in the year 2022. Also, in the supplementary chargesheet filed in FIR No.612/2007 on 14th February, 2019, it was stated that as per investigation, the applicants/buyers had purchased the plots from accused persons in a *bona fide* manner. Further, it has been confirmed in the Status Report filed by the State before this Court that the applicants have produced the original documents i.e., the sale deeds in their favour.

14. In my considered view, just because the applicants have been unable to furnish the Authority Letters in favour of Mr. Ajay Yadav to execute the aforesaid sale deeds, it would not amount to not cooperating in the investigation. It is possible that the applicants did not obtain the aforesaid Authority Letters.

15. The chargesheets have already been filed in all the cases.

16. In view thereof, the interim protection granted to the applicants is confirmed and the applicants are granted anticipatory bail. Consequently, in the event of arrest in FIR No.584/2022, FIR No.557/2022 and FIR No.585/2022, the applicants be released on bail on furnishing a personal bond in the sum of Rs.25,000/- each with one surety of the like amount subject to the satisfaction of the arresting officer/Station House Officer (SHO) concerned and further subject to the condition that the applicants shall join the investigation as and when directed and not influence any



witness/complainant or tamper with the evidence of the case.

17. In the event the applicants do not join or cooperate in the investigation, the State shall be at liberty to take appropriate steps in this regard.

18. Needless to state that any observations made herein are purely for the purposes of deciding the question of grant of anticipatory bail and shall not be construed as an expression on the merits of the case.

19. The applications stand disposed of in above terms.

AMIT BANSAL, J.

OCTOBER 4, 2023

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