

17 Bail Matters 601/2026
STATE Vs. KIRAN
FIR No.116/2024
PS : REM NAGAR
u/s 420/468/471 IPC

22.04.2026

Present: Sh. Gyanendra Mishra, Ld. Addl.PP for State.
Sh. Raju Atulla, Ld. Counsel for accused/applicant.
Sh. Rahul Sandilya, Ld. Counsel for complainant.
IO SI Arun Kumar in person.

1. This is the application for anticipatory bail of accused/applicant **Kiran Devi** w/o Sunil Mishra. It is submitted that this is the first anticipatory bail application of the accused and no similar is pending in any other court.
2. Reply of IO is on record. Copy already supplied. The status reports have been filed by the IO in view of the directions of this court after joining of investigation by the accused. Copy supplied.
3. Vide order dated 18.03.2026, the accused/applicant was granted interim protection from coercive action subject to joining of investigation by the accused/applicant and cooperation in the same. Vide this order, the present application shall be disposed off finally.
4. Ld. Counsel for accused/applicant submitted that the applicant has been falsely implicated in this case and she is the bona fide purchaser of property in question and is residing there for last seven years and is having electricity bill, water bill etc in her name from the property in question. It is submitted that the present FIR was registered in 2024 during which the applicant joined the investigation several times and always cooperated in the same.

5. It was argued that the IO who is acting at the behest of the complainant threatened the applicant to vacate the house else she would be sent to jail. It is submitted that the applicant provided the chain of documents qua property in question. It is submitted that accused be granted anticipatory bail.

6. Ld. Addl. PP for the state, who is assisted by Ld. Counsel for complainant, argued that the chain of the complainant is found genuine while one part of the chain relied upon by the applicant found to be containing a forged stamp paper. It is submitted that the applicant is in unauthorised possession of the property.

7. I have heard rival submissions and carefully perused the record. During the course of the arguments, several queries were put to the IO which shall be referred in this order.

8. As per the report of the IO, the present case was registered on the complaint given by Mr. Shalender Kumar who alleged that he purchased the property measuring 30 sq. yards bearing plot No. 112-1, Khasra No. 21/05, Laxmi Vihar Extension, Prem Nagar-III, Kirari (hereinafter referred as 'property in question') from one Chirangi Lal on 13.04.2012 through GPA and other allied documents and he was handed over the previous chain of documents qua the property in question from previous owners. The complainant could not visit the property for long due to pandemic Covid-19 and when on 01.10.2022, he visited the property in question, he found that the same is in the possession of applicant who got prepared documents in her name by mentioning the plot no. 117, Khasra No. 21/5. The complaint was taken on inquiry and it was found that the stamp papers used in the documents of the applicant were altered and thereafter the case was registered.

9. The investigation was taken up and the physical verification of the property was conducted which reveals that the applicant constructed a permanent house and is residing there. It is stated that it came in the investigation the applicant purchased property in question from Kanjanchi Singh on 16.12.2019 through GPA and other documents.

10. The applicant was asked to join the investigation in which she joined the investigation but allegedly did not cooperate in the same. The aspect of the cooperation has been countered by Ld. Counsel for accused/applicant by submitting that the applicant joined the investigation several times but it is the IO who is acting on the instructions of the complainant is not ready to consider any plea of the applicant.

11. The perusal of record reveals that it is a dispute over the ownership/title over the plot measuring 30 sq. yards situated in khasra no. 21/5. It is to be mentioned at the outset that as per the submissions of the IO that there is no demarcation of any plot in the area in question through any government agency being an unauthorised colony.

12. The applicant is claiming interest in the property by mentioning the number of the same as plot No.117, khasra no. 21/5, situated in the area of village Mundaka, Gali no. 1, Adarsh Laxmi Vihar, Prem Nagar-III, Delhi-110086 and this plot is bounded as under -

East – Road 15 feet

West – Other's plot

North - Other's plot

South - Other's plot

13. On the other hand the complainant is claiming interest in the property by describing the same as plot No. 112/1, khasra no.

21/5 in the area of village Mundka abadi known as Laxmi Vihar Extension, Prem Nagar-III, Delhi which is bounded as under -

East – Other's property

West – Road 15 feet

North - Other's plot

South - Other's plot

14. Thus the identification of the plot in itself is in dispute. The number of the plot is different in the chain of documents of the complainant and that of applicant. Even the name of the colony is different since the chain of documents relied upon by the complainant mentions that the plot is in Laxmi Vihar Extension while the chain of applicant reveals that the plot is in Laxmi Vihar. In the chain of documents of the complainant there is a road of 15 feet towards west side while in the chain of applicant the road of 15 feet is towards the east side.

15. When there is no specific demarcation of the plot through any authorised agency the identification of the property in question is in itself under cloud and when this fact is read with the factum that the plot numbers are different in chain of documents of the complainant and applicant and the specification of plot are also different makes out that the present dispute lies under the purview of civil court. The aspect of identification of the plot and the alleged rights in that plot by the contesting parties can be decided by the civil court only.

16. The alleged fact that in one of the documents relied upon by the applicant the stamp paper is found altered cannot be read against the applicant since the applicant was not the party of that alleged altered stamp paper. At the risk of repetition when the identification of immovable property is itself a questionable fact and thus under the purview of civil jurisdiction, the altered stamp

paper in question does not carve out any circumstances, *prima facie*, to read anything adverse against the applicant in the proceedings in hand.

17. Thus, in view of the attending circumstances of the present as above discussed, the custodial interrogation of the applicant is not required and thus the applicant is hereby admitted to anticipatory bail. Accordingly, in the event of arrest, the applicant shall be released on bail on furnishing personal bond of Rs.20,000/- with one surety of like amount to the satisfaction of concerned arresting authority. The applicant shall continue to join investigation and cooperate in the same.

18. It is clarified that nothing mentioned hereinabove shall tantamount to expression of opinion on merits of this case.

19. Copy of this order be given to Ld. Counsel for the accused and the copy be also sent to IO/SHO concerned for information through Bail Section.

(KAPIL KUMAR)
ASJ (Spl. FTC) : North-West
Rohini Courts / Delhi /22.04.2026