

*

%

 $+$

.....Petitioner

versus

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Prashant Kumar, PS Prashant
Vihar.
Mr. Vijay Kasana, Advocate for
complainant *de facto*.

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA

JUDGMENT

1. The accused/applicant seeks anticipatory bail in case FIR No. 477/2023 of Police Station Prashant Vihar for offences under Sections 420/467/468/471/120B/34 IPC. I have heard learned Senior Counsel for accused/applicant and learned Additional Public Prosecutor for State as well as learned Counsel for complainant *de facto*.

Page 1 of 17 pages

Signature Not Verified
Digitally Signed
By:NEETUN NAIR
Signing Date:24.09.2025
16:17:26

GIRISH
KATHPALIA

Digitally signed by GRIISH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20=9401d8b9267a7772b65f9f4efac45560d73962c6b483564
F7E2626acc, cn=HIGH COURT OF DELHI, cID = 7047638,
postalCode=110003, st=DeRi,
serialNumber=3e86796451ec45c07b5d1557099b6408b0cb22ee60
02=487965f8b21a20a, cn=GRIISH KATHPALIA
DN: 20050613.13.34.88.01 - 07003

1.2 Not just that, as discussed hereafter, orders protecting the accused/applicant from arrest were obtained from Magisterial Court as well as the Court of Sessions despite dismissal of the SLPs and upholding of two orders of this court, whereby anticipatory bail applications of the accused/applicant were dismissed.

ORDER

2. Heard Mr. Mohit Chaudhary, learned counsel appearing for the petitioner. Also heard Mr. Vivek Gurnani, learned counsel appearing for the respondent - NCT of Delhi. Mr. Shadan Farasat, learned Senior Counsel appears for the intervenor.

4. However, as the petitioner had deposited certain sum pursuant to this Court's order dated 28.05.2024, the amount be returned back to

Page 2 of 17 pages

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20=8401d2889627a77b2655ffffe4afe45569af396268,
835d433f97626c6a, cn=HIGH COURT OF DELHI/CID-
7047638, postalCode=110003, st=Delhi,
serialNumber=d38e796451ec4c07b5d15570996b40f08c2,
2ee6d0402c947965f8fb01a26fa, cn=GIRISH KATHPALIA
Date: 2025.09.24 14:35:33 +0530

Signature Not Verified
Digitally Signed
By:NEETU N NAIK
Signing Date:24.09.2025
16:17:26

5. Pending application(s), if any, stand closed.

2.3 On the other hand, learned prosecutor and learned counsel for complainant *de facto* argued that there is no change in circumstances subsequent to dismissal of the SLPs, so the present application is not even maintainable. It was also argued that settlement, if any, between the complainant *de facto* and co-accused Pradeep cannot be a ground to grant or



deny anticipatory bail to the accused/applicant in view of the settled legal position.

3. In order to analyze the rival arguments, it would be apposite to take a brief look at the factual matrix set up through the subject FIR and the investigation, which is as follows.

3.1 The complainant *de facto* Tilak Raj Jain was well acquainted with accused Sushil Singla, a chartered accountant by profession and the present accused/applicant Nikhil Jain for past 10-15 years. Sushil Singla and Nikhil Jain also closely knew each other. In the month of May/June 2021 Sushil Singla offered Tilak Raj Jain to purchase property bearing no.21, Block E, Prashant Vihar, Delhi (*hereinafter referred to as "the subject property"*) from Nikhil Jain. According to copies of the title documents chain furnished to Tilak Raj Jain, a Lease Deed dated 04.12.1990 pertaining to the subject property was executed by DDA in favour of Devender Kumar, which followed a Perpetual Lease Deed dated 26.03.1991. Thereafter, pertaining to the subject property, DDA executed Conveyance Deed dated 27.08.2021 in favour of co-accused Manjeet Singh, who sold the subject property by way of Sale Deed dated 14.10.2021 in the name of accused/applicant Nikhil Jain. In the said Sale Deed dated 14.10.2021, co-accused Kuldeep and Saajan Mehra, who are close friends of accused Sushil Singla and the accused/applicant Nikhil Jain, signed as witnesses. Immediately thereafter on 28.10.2021, the accused/applicant sold the subject property to the complainant *de facto* Tilak Raj Jain, towards sale consideration whereof, the

3.4 During investigation, accused Manjeet Singh was searched for but no such person could be traced out, so the prosecution concluded that there is no person by the name Manjeet Singh and that the Conveyance Deed executed in the name of Manjeet Singh, followed by Sale Deed in the name

3.5 As mentioned above, according to learned Senior Counsel for accused/applicant, since subsequently it was found during investigation that one Suraj had impersonated himself as Manjeet Singh and signed the documents, it is a change in circumstances, so despite dismissal of the SLPs, the accused/applicant can rightfully sustain the present fresh application for anticipatory bail.

4. In view of the above factual matrix, as unfolded during investigation, can it be said that there is change in circumstances. In my considered view, answer to this question has to be in the negative. Manjeet Singh continues to be a fictitious person. What Suraj did as per prosecution is impersonation as Manjeet Singh. It is nobody's case that subsequent to dismissal of SLPs, the investigator has found the person named Manjeet Singh. Manjeet Singh remains a name in fiction. On this aspect, certainly there is no change in circumstances.

5. Another factor, which according to the accused/applicant is change in circumstances is that the co-accused Pradeep Chhikara, a property dealer admitted in police custody, having forged the documents in connivance with co-accused persons; that Pradeep Chhikara got Suraj arrested, and also paid back a substantial amount out of the cheated money to the complainant *de facto*. This also, to my mind cannot be taken as a change in circumstances.

6. Lastly comes the contention of learned Senior Counsel for accused/applicant that it is the accused/applicant who was cheated through the forged documents of transfer of the subject property. Suffice it to note that conduct of the accused/applicant, having purchased the subject property on 16.10.2021 and having sold away the same to the complainant *de facto* immediately thereafter on 29.10.2021 *prima facie* reflects his complicity. Even otherwise, this argument always existed even prior to the dismissal of anticipatory bail applications by this court followed by dismissal of SLPs by the Supreme Court.

7. In nutshell, I am unable to find any change in circumstances after dismissal of SLPs, which change would entitle the accused/applicant to move fresh application for anticipatory bail.

8. But this decision cannot end with mere dismissal of this application for anticipatory bail. There are issues raising serious concern about judicial indiscipline and impropriety.

Page 7 of 17 pages

Signature Not Verified
Digitally Signed
By:NEETU N NAIR
Signing Date:24.09.2025
16:17:26

GIRISH
KATHPALIA

Digitally signed by GRISH KATHPALIA
DN: c=IN, o=H401d889b27a77b2f65ff0e4afec45569af3962c6bf48
d435597626acca, ou=H401d889b27a77b2f65ff0e4afec45569af3962c6bf48,
postalCode=110003, st=Delhi,
serialNumber=d386796451ec45c07b5d15570906b40f80cb2d
e0402c28487965ff0b1a26fa, cn=GRISH KATHPALIA
Date: 2025.09.24.14:36:53 +0700

8.2 Then comes the issue of more serious concern. Even after dismissal of as many as four anticipatory bail applications, including two before this court, followed by dismissal of the SLPs vide order dated 02.09.2024, the learned Additional Sessions Judge-04, North District, Rohini Courts, Delhi not just entertained another application of the accused/applicant for anticipatory bail on 12.03.2025, but also granted interim protection to the accused/applicant, which led to filing of CrI.M.C. No.2123/2025 by the complainant *de facto*. In the said CrI.M.C. 2123/2025, detailed order dated 28.03.2025 was passed by this court, and after receiving copy thereof, the learned Additional Sessions Judge vacated the interim protection.

Page 8 of 17 pages

GIRISH
KATHPALIA

Digitally signed by GRIESH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20=8401d8889e27a77b26f5f1f64afe455694f3962c6fb4835
5597626caaca, ou=HIGH COURT OF DELHI,DC - 7047638,
postalCode=110003, st=Delhi,
serialNumber=c3b86796451ec45c07b5d15570996b40f80c3d2ee
402c487965f801a26fa, cn=GRIESH KATHPALIA
402c487965f801a26fa, c=IN, o=HIGH COURT OF DELHI,DC - 7047638,
postalCode=110003, st=Delhi, serialNumber=c3b86796451ec45c07b5d15570996b40f80c3d2ee

Signature Not Verified
Digitally Signed
By:NEETU N NAIR
Signing Date:24.09.2025
16:17:26



8.3 On 23.04.2025, the IO informed this court that the accused/applicant joined investigation only during the period when he was under interim protection granted by the learned Additional Sessions Judge, but after withdrawal of protection, the accused/applicant absconded and non-bailable warrants against him were alive. On the next date (26.05.2025), it was informed before this court that the said non-bailable warrants, which had been issued on 25.11.2024 by the Judicial Magistrate First Class-04 (North), Rohini Courts, Delhi, were stayed vide order dated 15.01.2025 by the same Magistrate, despite the fact that by then the SLPs had already been dismissed by the Supreme Court.

8.4 On 26.05.2025, learned prosecutor before this court submitted that dismissal of anticipatory bail applications till the Supreme Court had been duly disclosed in the status report filed by the IO before the learned Magistrate. On the same day, learned Senior Counsel for accused/applicant also stated on instructions that even counsel for accused/applicant appearing before the Magistrate had duly apprised the Magistrate about all orders passed by this court, followed by the orders passed by the Supreme Court.

8.5 That being so, vide order dated 26.05.2025 of this court, the learned Magistrate as well as the learned Additional Sessions Judge were called upon to submit detailed reports in sealed cover explaining the circumstances in which the orders passed by this court and the Supreme Court were ignored.

BAIL APPLN.1516/2025

Page 9 of 17 pages

GIRISH KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: cn=GIRISH KATHPALIA, o=VERDICTUM, ou=INFORMATION, email=gkathpalia@verdictum.in, c=IN
Date: 2025.09.24 16:17:26 +05'30'

Signature Not Verified
Digitally Signed
By: NEETU N NAIR
Signing Date: 24.09.2025
16:17:26

10. In his report dated 13.06.2025, the learned Magistrate explained as follows. On behalf of the accused/applicant, an application was filed for cancellation of non-bailable warrants which had been issued vide order dated 25.11.2024 and the said application was taken up on 15.01.2025. During arguments on the said application, none of the stakeholders namely the IO, the prosecutor and the defence counsel, pointed out that anticipatory bail applications of the accused/applicant had already been dismissed by this court and the Supreme Court. Further, the application seeking cancellation of non-bailable warrants was completely silent about dismissal of anticipatory bail application by this court and by the Supreme Court. In the said application, on behalf of accused/applicant it was mentioned that the said SLP had been “disposed of” (*and not “dismissed”*) by the Supreme Court. Thereafter, the complainant *de facto* filed application seeking vacation of stay on non-bailable warrants, but that application was dismissed

10.1 Similarly, the learned Additional Sessions Judge also stated in his report dated 30.08.2025 that neither in the anticipatory bail application nor during arguments, dismissal of earlier anticipatory bail applications by this court, followed by dismissal of SLPs by the Supreme Court was disclosed.

11. During arguments, learned Senior Counsel for accused/applicant as well as learned APP and the IO emphasised that the defence counsel and the APP assisted by the IO before trial court had duly disclosed before the learned Magistrate about dismissal of the anticipatory bail applications till the Supreme Court.

12. A perusal of the application filed on behalf of the accused/applicant for cancellation of non-bailable warrants (*copy of the application annexed with report of the learned Magistrate*) would show that there is no mention at all in the said application that two anticipatory bail applications were dismissed by this court and the SLPs arising out of the same were dismissed by the Supreme Court. Paragraphs 9 to 12 of the said application for cancellation of non-bailable warrants were cleverly drafted, stating that initially in the SLPs, an interim protection was granted by the Supreme

12.1 Then comes the role of the IO/SI Prashant. Copy of order dated 15.01.2025 of the learned Magistrate shows that while addressing on the application for cancellation of non bailable warrants, the IO made limited submissions that the accused/applicant had joined investigation in response to Notice under Section 41A, CrPC on 29.05.2024, but thereafter, no such notice was issued; in the said order dated 15.01.2025, the learned Magistrate also expressed inability to understand as to why the IO did not issue any notice after 29.05.2024 and stayed the warrants. The IO also clearly concealed from the learned Magistrate about the dismissals of anticipatory bail applications till Supreme Court.

BAIL APPLN.1516/2025

Page 12 of 17 pages

Signature Not Verified
Digitally Signed
By:NEETU N NAIR
Signing Date:24.09.2025
16:17:26

GIRISH
KATHPALIA

Digitally signed by GRISH KATHPALIA
DN: cn=, o=HIGH COURT OF DELHI,
2.5.4.20=a0401d2889627a77b29f5ff94afe45569af3962c6fb4835643
976256accac, ou=HIGH COURT OF DELHI, cID= 7047638,
postalCode=110003, st=Delhi,
serialNumber=3486796451e45c07b3d1557099b040f80c3d22ee60
020487965f801e26fa, cn=GRISH KATHPALIA



12.3 But at the same time, even the learned Magistrate was apparently not careful to apply mind and probe as to what was the nature of “disposal” of the SLPs, in the sense as to whether the same were “dismissed” or “disposed of with some directions”. The learned Magistrate did not care to even flip to just the previous order on his record. As mentioned above, the learned Magistrate stayed the non-bailable warrants vide order dated 15.01.2025, while in order dated 25.11.2024, the same learned Magistrate clearly recorded that the anticipatory bail application had also been dismissed by the Supreme Court in SLP (*even serial number of SLP was mentioned in the order itself*).

12.4 Further, the complainant *de facto* filed an application before the learned Magistrate, clearly disclosing that anticipatory bail application of the accused/applicant had been dismissed by this court. In his order dated 28.02.2025, the learned Magistrate clearly observed this fact. But that application was dismissed by the learned Magistrate going by the assurance of the IO that fresh notice was being issued to the accused/applicant and on the ground that complainant *de facto* has no *locus standi* to move such application.

12.5 Clearly, the defence counsel, the investigating officer and the prosecutor concealed from the learned Magistrate about dismissal of the anticipatory bail applications of the accused/applicant till the Supreme Court. But about dismissal of those applications, the learned Magistrate had clear knowledge through his own order dated 25.11.2024 and specific

13. Coming to the explanation advanced by the learned Additional Sessions Judge, the only explanation rendered by him is that the factum of dismissal of the anticipatory bail applications till the Supreme Court was concealed by the accused/applicant in the anticipatory bail application filed in the Court of Sessions and the arguments advanced before him, so he entertained the anticipatory bail application of the accused/applicant and granted interim protection.

BAIL APPLN.1516/2025

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20-A801d6d89b27a77b2f65f1044efac45569af3962c6fb48
5d435f97626acaa, ou=HIGH COURT OF DELHI, CN=D-7047638,
postalCode=110003, st=Delhi,
serialNumber=d3be6796451ec45c07bd15570996b40f80c9d2
ee6040c24895f8f01e26fa, cn=GIRISH KATHPALIA

13.2 But one has to delve deeper to ascertain if the learned Additional Sessions Judge was aware of the fate of the earlier anticipatory bail applications. Detailed status report filed before this court by prosecution vide index dated 13.08.2025 accompanies copies of the relevant ordersheets and other documents, including order dated 12.03.2025 of the learned Additional Sessions Judge in which it was clearly recorded that it was fourth application for grant of anticipatory bail moved on behalf of the accused/applicant and reply to the bail application was filed by the IO. But without ascertaining the status of earlier applications and change, if any, in the circumstances, the learned Additional Sessions Judge going by the submission of learned defence counsel that the accused/applicant was willing to join investigation, directed that till next date no coercive action be taken against the accused/applicant. Copy of the said status report dated 12.03.2025 also has been filed by prosecution and in paragraph 11 thereof, the IO had specifically disclosed that despite dismissal of his anticipatory bail application in the Supreme Court, the accused/applicant was hiding himself.

13.3 It is only after receipt of copy of order dated 28.03.2025 of this court, passed in CrI.MC 2123/2025 that the learned Additional Sessions Judge vacated the interim protection and listed the matter for consideration of maintainability of the anticipatory bail application. So, it is wrong on the part of the learned Additional Sessions Judge also to say that dismissal of

Page 15 of 17 pages

Signature Not Verified
Digitally Signed
By:NEETU N NAIR
Signing Date:24.09.2025
16:17:26

GIRISH
KATHPALIA

Digitally signed by GRISH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20-b401-d889b27a77b2f65ff1fec45560af3962c8fb48
4435979626acca, ou=HIGH COURT OF DELHI, CN=
postalCode=110003, st=Delhi,
serialNumber=d3b85796451ec45c07b5d15570996b40f80c2d
40e402c487965ff8b01a26fa, cn=GRISH KATHPALIA
Date: 2025.09.24.14:00:04 +0700

14. Thence, the irresistible conclusions are:

- BAIL APPLN.1516/2025



15. Therefore, this anticipatory bail application is dismissed. Copies of this order be sent to the worthy Registrar General, Delhi High Court for being placed before the Inspecting Committees of the said two Judicial Officers and the worthy Commissioner of Police for information and necessary action.

**GIRISH
KATHPALIA**

Digitally signed by GIRISH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20=8401dd889b27a77b2f65ffffe4afec4
5569af3962c6fb4835d435f97626cacca,
ou=HIGH COURT OF DELHI,CID - 7047638,
postalCode=110003, st=Delhi,
serialNumber=d3e86796451ec45c07b5d155
70996b40f80cbd2eee60402c487965ff801e26
fa, cn=GIRISH KATHPALIA
Date: 2025.09.24 14:39:38 -07'00'

**GIRISH KATHPALIA
(JUDGE)**

SEPTEMBER 24, 2025/ry