

# Uttam Kumar @ Rinku Lala vs The State Nct Of Delhi Through Sho on 28 March, 2025

**Author: Sanjeev Narula**

**Bench: Sanjeev Narula**

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IN THE HIGH COURT OF DELHI AT NEW DELHI  
BAIL APPLN. 186/2025  
UTTAM KUMAR @ RINKU LALA

THE STATE NCT OF DELHI THROUGH SHO  
Through: Mr. Laksh Khanna,  
SI Jitender Kumar  
Parbat.

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BAIL APPLN. 241/2025  
TILAKDHARI

THE STATE NCT OF DELHI THROUGH SHO  
Through: Mr. Amit Ahlawat,  
SI Jitender Kumar  
Parbat.

CORAM:  
HON'BLE MR. JUSTICE SANJEEV NARULA

% 28.03.2025

1. The present applications under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier Section 438 of the Code of Criminal Procedure, 1973) seeks anticipatory bail in proceedings arising from FIR No. 0270/2024 dated 14th June, 2024, under Sections 255, 406, 420, 467, "BNSS"

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The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 02/04/2025 at 21:57:50 468, 471 and 120B of the Indian Penal Code, 1860, registered at P.S. Anand Parbat. As both the instant applications arise from the same FIR and involve co-accused persons asserting overlapping grounds for relief, they are being disposed of by way of this common order.

2. The case of the prosecution, as gathered from the complaint and the material on record, is briefly summarised below:

2.1 A complaint was received in P.S. Anand Parbat from Mr. Swami Nath Pandey (the Complainant), who claimed to be the owner/licensee of property bearing shop no. M 70-B, Gali no. 11, Anand Parbat, Delhi<sup>4</sup> admeasuring 6 feet X 7 feet. He produced ownership documents in support of his claim. He alleged that Mr. Tilak Dhari, the Applicant in BAIL APPLN. 241/2025 was inducted as a tenant in a portion of the said property, at a monthly rent of INR 15,000/-. However, no formal rent agreement to this effect was executed between the parties.

2.2 The Complainant alleges that on 3rd April, 2024, he learned that Mr. Tilak Dhari had attempted to install an electricity meter on the premises issued by BSES Yamuna Power Limited<sup>5</sup>. Although the initial application for an electricity connection was rejected, subsequently, during the Complainant's absence, an electricity meter bearing CA No. 154211419 was unlawfully installed at the premises. The connection was obtained in the name of Mr. Uttam Kumar - the Applicant in BAIL APPLN. 186/2025, allegedly on the strength of forged ownership documents. The Complainant further asserts that Mr. Tilak Dhari, along with his sons (Uttam Kumar, Ravi "Cr.P.C."

"IPC"

"Subject property"

"BSES"

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2.4 During the investigation, the Investigating Officer sought details from BSES regarding the application for the electricity connection, including documents submitted by Mr. Tilak Dhari. In response, BSES produced a copy of a General Power of Attorney<sup>6</sup> dated 21st January, 2022, purportedly issued by one Mr. Md. Tahir in favour of Mr. Tilak Dhari. The document bore E-Stamp certificate no. IN-DL55945436442569V. Upon verification with the records of E-Stock Holding, it was confirmed that no such certificate existed. The said GPA was therefore prima facie found to be forged and had allegedly been used by the Applicants to procure the electricity connection fraudulently. BSES further confirmed that Tilak Dhari, had also submitted a No Objection

Certificate in favour of his son, Uttam Kumar, for installation of the meter.

2.5 The investigation also revealed that in 2023, Tilak Dhari had himself lodged a complaint at P.S. Anand Parbat, wherein he admitted that he had no ownership documents for the property in question. He further disclosed that the electricity meter had been secured by paying a bribe to one Mr. Gulshan Kumar, an individual associated with BSES. During questioning, Gulshan Kumar denied this allegation, stating that he was merely a contractual recovery agent and had no role in issuing new connections. 2.6 The IO also obtained a formal response from BSES detailing the This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 02/04/2025 at 21:57:50 procedure for installing new electricity connections. As per Regulation 10 of the DERC Regulations, 2017, an applicant must provide proof of identity, proof of ownership or occupancy, and a No Objection Certificate. While BSES clarified that it does not verify the authenticity of the documents submitted, it confirmed that a site inspection is conducted prior to installation. In the present case, it was reiterated that the connection was issued on the basis of the forged GPA.

2.7 The ownership records obtained from the SDM, Kanjhawala, confirmed that the property stands in the name of the Complainant. It was also noted that the Applicants' mobile number is linked to the electricity connection at the premises and that they continue to receive bills, thereby evidencing their use and benefit from the disputed connection. These facts, taken together, point toward the Applicants' deliberate use of forged documentation.

2.8 The Applicants were called upon to join the investigation and produce the original GPA allegedly used to obtain the meter. Despite such a direction, they failed to furnish the document. This non-cooperation has been viewed with seriousness, particularly given the nature of the allegations and the forged instrument involved. The prosecution has therefore strongly opposed the grant of anticipatory bail, citing the risk of suppression, misuse, and potential interference with the investigation.

3. Counsel for the Applicants submits the following grounds in support of the plea for anticipatory bail:

3.1 The Applicants have been falsely implicated in the present case. The Applicants are respectable persons of the locality who run a modest tea stall "GPA"

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Gurmukh Singh, allegedly began exerting pressure on the Applicants' family to vacate the premises. In response, Tilak Dhari's father instituted Civil Suit No. 48/2004 against them. The suit was eventually disposed of in view of a compromise arrived at on 20th July, 2004.

3.2 Thereafter, Tilak Dhari's father purchased the subject property from Mr. Priti Pal for a sum of 20,000/- in cash on 20th December, 2004. However, before any formal documentation for sale or transfer of title could be executed, Mr. Priti Pal passed away.

3.3 Since then, the Applicants and their family have been in peaceful possession of the premises and have been operating their tea shop without any challenge to their occupation or claims of title.

3.4 The Applicants categorically deny having submitted any forged GPA to BSES for the purpose of obtaining an electricity connection. According to them, as the tea shop lacked an electricity supply, they sought assistance from one Mr. Gulshan Kumar - who asserted himself to be an employee of BSES and frequented their stall - to help secure a connection. For this purpose, they handed over basic identification documents of the Applicant, Uttam Kumar, and no more.

3.5 Mr. Gulshan Kumar, without the knowledge or consent of the Applicants, fabricated a forged GPA and submitted it to BSES in support of the electricity application. Upon discovering this, the Applicants immediately lodged a complaint at P.S. Anand Parbat, narrating the This is a digitally signed order.

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3.6 Pertinently, Tilak Dhari also filed a Civil Suit being CS SCJ/1422/2023 titled Tilak Dhari v. Swami Nath Pandey & Others, against the Complainant seeking declaratory reliefs and injunction in respect of the subject property. In the said suit which is currently pending, the Civil Judge, vide order dated 10th January, 2024, granted protection in favour of the Applicant - Tilak Dhari. It must be noted that in the pleadings of the said suit, no claim was made by Tilak Dhari on the basis of the alleged GPA, which further belies the theory of fabrication by the Applicants. 3.7 On the contrary, it was the Complainant who, in the course of the said civil proceedings, moved an application under Section 340 of the CrPC on the basis of the impugned GPA. However, the said application was withdrawn, as recorded in the order dated 11th September, 2024. 3.8 The alleged forged GPA has not been recovered from the possession of the Applicants at any stage. The Applicants maintain that they were never in possession of such a document, and it was created without their knowledge, allegedly at the instance of Mr. Gulshan Kumar, acting in connivance with the Complainant to falsely implicate them.

4. The Court has considered the submissions of the Applicants, Complainant and the State. On 17th January, 2025 and 21st January, 2025, this Court granted interim protection from coercive action to both Applicants, subject to their cooperation in the investigation. It has since been confirmed that the Applicants have joined the investigation. However, they did not produce the alleged forged GPA,

maintaining that they have never been in possession of such a document and reiterating that it was fabricated This is a digitally signed order.

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5. The question as to who executed the alleged forged GPA is a matter that must be determined upon completion of investigation and during trial. At this stage, however, the Court finds prima facie merit in the Applicants' contention that - had they authored or relied upon such a document, they would reasonably have referred to it in support of their ownership claim in Civil Suit No. CS SCJ/1422/2023. The absence of any reference to the GPA in their pleadings lends some weight to their assertion that they may not have played a role in its creation or use. That said, no conclusive view can be taken in these proceedings, and the issue shall be adjudicated by the Trial Court based on the outcome of the investigation and the evidence that may be led by the parties.

6. Further, it is not disputed that the Applicants themselves lodged a complaint with the police, alleging that their names had been misused by Mr. Gulshan Kumar for the purpose of obtaining the electricity connection through forged documentation. This conduct, in the prima facie opinion of the Court, demonstrates bona fides on the part of the Applicants. Additionally, they have joined the investigation and provided specimen signatures for the purpose of forensic analysis of the GPA in question.

7. In light of the above and considering that the Applicants have cooperated with the ongoing investigation and have assured continued assistance, and further, as the APP for the State has indicated that their interrogation may no longer be necessary, the present applications are allowed. In the event of arrest, the Applicants shall be released on bail upon furnishing separate personal bonds in the sum of 25,000/- each, with one surety of the like amount, to the satisfaction of the concerned SHO, subject This is a digitally signed order.

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- a. The Applicants shall join and fully cooperate with the investigation as and when directed by the IO;
- b. The Applicants shall not leave the boundaries of the country without informing the IO/ SHO concerned;
- c. The Applicants shall not contact the witnesses or tamper with the evidence in any manner whatsoever;

d. The Applicants shall give their mobile number to the concerned IO/SHO and shall keep their mobile phones switched on at all times;

8. In the event of there being any FIR/DD entry/complaint lodged against the Applicants, it would be open to the State to seek redressal by filing an appropriate application seeking cancellation of bail.

9. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial or be taken as an expression of opinion on the merits of the case.

10. The applications are allowed in the afore-mentioned terms.

SANJEEV NARULA, J MARCH 28, 2025/as This is a digitally signed order.

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