

Bail Matters 397/2025

THE STATE Vs. KANWARJEET SINGH KOCHHAR

FIR No. 95/2025

PS Vasant Kunj (North)

27.09.2025

Present: Dr. Satish Shukla, Ld. Addl. PP for the State.  
Sh. Arjun Sayal, Ld. counsel for applicant/accused  
(through VC).  
Sh. Rohit Kumar, Ld. Counsel for  
applicant/accused.  
Sh. Vipul Lamba, Ld. Counsel for complainant.  
Sh. Akash Khurana, Ld. Counsel for complainant  
(through VC).

Vide my separate order of even date, the present  
application is allowed and disposed off accordingly.

Copy of the order be given *dasti* as well as be sent to  
jail superintendent for supplying the same to accused in jail.

(Atul Ahlawat)  
Bail Roster Judge  
ASJ/Spl. Judge, NDPS/N Delhi  
27.09.2025

IN THE COURT OF ASJ/SPECIAL JUDGE/NDPS  
PATIALA HOUSE COURTS, NEW DELHI

Presided by: Atul Ahlawat, DHJS

BAIL APPLICATION NO. 397/2025  
THE STATE Vs. KANWARJEET SINGH KOCHHAR  
FIR NO. 95/2025  
PS VASANT KUNJ (NORTH)



27.09.2025

Bail application received by way of assignment/transfer vide orders of Ld. Principal District and Sessions Judge, vide order no. 21536-21610/Bail & Filing/Judl./Prin.D&SJ/NDD/2025 dated 11.08.2025 w.e.f. 13.08.2025.

ORDER

1. Vide the present order, I shall dispose of the application filed by the applicant/accused Kanwarjeet Singh Kochhar u/s 482 BNSS, 2023 seeking the grant of anticipatory bail.
2. It has been submitted by the Ld. counsel for the applicant/accused that no other bail application filed by the applicant/accused is presently pending before the Hon'ble Supreme Court of India; the Hon'ble High Court of Delhi; or any other Court in respect of the present matter wherein similar relief has been sought.
3. The IO has filed a reply to the present application, which has been carefully perused.

4. The present anticipatory bail application arises in the backdrop of peculiar circumstances, wherein the FIR in question was registered on 22.02.2025, i.e. 10 days after the alleged incident.

5. It is further noted that there was another case registered i.e. FIR bearing no. 105/2025 on 10.02.2025, u/s 64(1)/351(3)/3(5) BNS, 2023 and u/s 6 of POCSO Act, 2012 at PS Rajouri Garden wherein the victim had levelled certain allegations against the husband of the present complainant, namely Gaurav Sharma. The said husband of the complainant had approached the Hon'ble High Court of Delhi seeking quashing of the said FIR along with other reliefs, including a writ of *mandamus* directing the police authorities to provide protection to him and other members of the complainant's family.

6. The Hon'ble High Court of Delhi vide its order dated 17.02.2025 in WP (Crl.) 553/2025, made certain observations regarding the incident in question and directed the concerned DCP to file a status report, with respect to the alleged incident which was allegedly captured on CCTV footage.

7. Thereafter, the FIR in the present case was registered. The Hon'ble High Court of Delhi vide successive orders, continued to pass certain orders/directions concerning the incident in question. The present applicant/accused, subsequently challenged the orders passed by the Hon'ble High Court of Delhi before the

Hon'ble Supreme Court of India vide SLP CrI. 3727-3730/2025, wherein the Hon'ble Apex Court was pleased to record vide order dated 06.03.2025 that *"If the petitioner herein is apprehending arrest at the hands of police in connection with any First Information Report, then it shall be open for him to pray for anticipatory bail before the competent court in accordance with law. If any such anticipatory bail application is filed, the Court concerned shall look into the same on its merits without being influenced in any manner by any of the observations made by the High Court against the petitioner."* In view of the above, the present application has been preferred by the applicant/accused.

8. The present application was first listed before the then I.d. Roster Bail Judge on 22.03.2025, wherein the I.d. Predecessor of this Court was pleased to direct that no coercive action shall be taken against the applicant/accused until the next date, subject to him joining the investigation, as and when called upon by the IO. Certain directions were also issued vide the said order to ascertain the genuineness of certain documents, and to collect the CDRs and location ID Charts of the signatories of the settlement agreement dated 30.01.2025 and possession letter dated 04.02.2025. . .

9. Time and again the matter was adjourned from one date to another, with interim protection being extended. On 07.04.2025 and 25.04.2025, arguments were not advanced by the parties, as it was submitted by them that there were chances of settlement.

and time was accordingly granted for the said purpose. The said discussions, however, did not materialize and the matter continued to be adjourned from one date to another, with interim protection being extended. The matter was listed before the undersigned for the first time on 22.08.2025, however, since the lawyers were abstaining from work on the said date, no coercive orders were passed and the matter was adjourned for 19.09.2025 for addressing arguments.

10. Before delving in to the merits of the present case, I deem it necessary to observe that both the parties have, to a considerable extent, sought to complicate the matter and have presented an extremely confusing set of facts, when, in reality the issues involved were not so complex. The present bail application runs into around 1134 pages and is accompanied by numerous synopses, brief points of dispute, and a detailed account of the background of litigations between the parties. The repeated replies and status reports filed by the successive IOs, at times taking contradictory positions have further added to the resolution of the matter significantly more challenging.

11. Despite the categorical observations made by the Hon'ble Apex Court, as noted above in paragraph number 7, the respective counsels for the parties have left no stone unturned in referring to the portions of successive orders passed by the Hon'ble High Court in WP (Crl.) 553/2025 and other allied matters that suited their respective narratives. However, such arguments as advanced before this Court are beyond the scope of

the present application and, accordingly are not being considered.

12. Before addressing the merits of the present application, it is imperative to note that the real bone of contention between the parties to the present litigation related to the ownership and possession of an immovable property namely 'Hotel Sarovar Portico, Vasant Kunj'. The applicant/accused claims to be the rightful owner of the said property and asserts that he enjoys its vacant and peaceful possession. On the other hand, the complainant disputes the applicant/accused's claims contending that the documents dated 30.01.2025 and 04.02.2025 were forged.

13. After the registration of the present case FIR, the then IO ACP Vijay Kumar vide supplementary reply dated 27.05.2025, informed this Court that the allegations relating to offences punishable u/s 331(8)/331(6)/333 BNS, 2023 were found to be not made out, and accordingly, those sections were dropped. However, certain other sections were invoked, specifically offences punishable u/s 329(3)/117(2)/190/191(2)/191(3) BNS, 2023.

14. It has been submitted by the Ld. Counsel for the applicant/accused that the applicant/accused has been falsely implicated in the present case and there is no incriminating material against him, save for the bald statements made by the complainant and other interested witnesses.

15. It has further been submitted by the I.d. Counsel for the applicant/accused that the custodial interrogation of the present applicant/accused is not required. The applicant/accused has been served with several notices by the IO to join the investigation, all of which he has duly complied with. The applicant/accused had joined the investigation on 24.02.2025, i.e. even prior to the grant of interim protection to him. Thereafter, in compliance with the directions of this Court to join the investigation, he had duly appeared before the IO on 24.03.2025, 01.05.2025, 03.05.2025, 14.05.2025, 24.05.2025 and lastly on 25.05.2025. Since then, he has not received any further notice, and he remains willing to join the investigation as and when called upon to do so.

16. It has been submitted by the I.d. Counsel for the applicant/accused that, except for the co-accused Pavneet Singh Kochhar, whose anticipatory bail application is also pending adjudication with the present application, all the remaining ten accused persons are already on bail. The chargesheet has been filed before the I.d. Trial Court and no ground has been made out by the IO to seek further custodial interrogation of the applicant/accused. The original documents dated 30.01.2025 and 04.02.2025 have already been placed before the Hon'ble High Court in W.P.(Crl.) 553/2025 and have been sent to the FSL for forensic analysis, and the results of which are still awaited. The pendency of such analysis cannot, at this stage, be a ground to deny the applicant/accused the benefit of anticipatory bail.

17. It has further been submitted by the I.d. Counsel for the

applicant/accused that he is willing to abide by any conditions that this Court may impose, if the present application is allowed and he is granted the benefit of anticipatory bail.

18. Per contra, it has been submitted by the Ld. Addl. PP for the State, duly assisted by the IO, that the custodial interrogation of the applicant/accused is necessary at this stage, as the FSL report is still awaited. A protest petition has been filed against the dropping of sections from the present case FIR, which is still pending adjudication before the Ld. Trial Court. There are certain other co-accused persons who remain absconding and their apprehension necessitates custodial interrogation of the applicant/accused. Lastly, the stolen articles, books of account and cash are yet to be recovered. In view of the above, the State strongly opposes the present application.

19. It has been further submitted by the Ld. Senior Counsel for the complainant that there was an inordinate delay of 10 days in the registration of the present case FIR. The earlier IO is alleged to have been hands in glove with the applicant/accused and other co-accused persons, and a shoddy investigation was conducted in the matter. It is further submitted that the earlier IO wrongly interpreted the decision of the Hon'ble Apex Court to justify the dropping the relevant sections from the present case FIR. The protest petition in this regard is still pending adjudication before the Hon'ble High Court of Delhi.

20. It has been submitted by the Ld. Senior Counsel for the



complainant that, if not for the *suo motu* intervention by the Hon'ble High Court of Delhi, the present case FIR would not have been registered at all. In the heart of the national capital, 30-40 masked men allegedly took the law into their own hands, and the events that followed were shocking. It is alleged that the applicant/accused hired these men to illegally enter the hotel, which was being legally operated by the husband of the complainant, and committed the heinous offences in question. The husband of the complainant is the lessee and in legal possession of the hotel in question. After an arbitration clause was invoked concerning the said hotel, the Ld. Arbitral Tribunal was constituted and continues to oversee the matter, with the husband of the complainant duly depositing the rent before the DIAC, as per the orders of the Ld. Sole Arbitrator.

21. It has been further submitted by the Ld. Senior Counsel for the complainant that, during the incident, more than 1000 files and books of account pertaining to the hotel operated by the husband of the complainant were affected, and therefore, custodial interrogation of the applicant/accused is necessary to trace the same.

22. In rebuttal, it has been submitted by the Ld. Counsel for the applicant/accused that the parties have a long-chequered history of litigations, and the present case FIR has been registered pursuant to an ill-motivated attempt on part of the complainant's husband to usurp the applicant/accused's hotel. It has been pointed out that the current IO has for the first time,

after more than 6 months of pendency of the present application, has stated in the reply that there has been diversion of the sales proceeds directly into the bank accounts of the applicant/accused and their fake/purported employees. It is submitted that there is no such allegation in the chargesheet, and this assertion appears to have been made in the reply, so that the applicant/accused is not granted the benefit of the anticipatory bail. Furthermore, it has been noted that the alleged main mastermind of the offences in question as per the case of the prosecution is already on bail. The financial transactions and related material are well within the reach of the IO, and do not necessitate any custodial interrogation. The FSL report will take its own time, and the mere pendency of the report cannot constitute a ground to deny the benefit of anticipatory bail to the applicant/accused.

23. Considering the facts and circumstances of the present case, the following points are pertinent; *Firstly* the applicant/accused has duly joined the investigation on 7 separate occasions, as and when called by the IO. In the considered opinion of this Court, no grounds have been made out for seeking his custodial interrogation. There is no merit in the submission of the IO ACP Ved Prakash that although the chargesheet has been filed against ten co-accused persons the relevant sections are under review and may, if necessary, be modified through a supplementary chargesheet; *Secondly*, the present application must be dealt with respect to the offences specifically alleged against the applicant/accused. The sword of Damocles cannot be hung around his neck till eternity, merely because the current IO

is contemplating a review of the invoked sections or that in the future he may file a supplementary chargesheet.; **Thirdly**, The IO has not issued any notice to the applicant/accused to join the investigation since the last day of his joining the investigation/appearance, i.e 25.05.2025. The fact that the current IO has been recently deputed to the present case and any alleged laxity on part of the previous IO should not be held against him is also devoid of any merit.; **Fourthly**, the FIR in question was registered over 7 months ago, and despite the applicant/accused joining the investigation on more than half a dozen occasions, the Investigating Agency has not been able to trace the alleged stolen articles, ; **Fifthly**, the pendency of the FSL report, cannot constitute a ground for custodial interrogation. The original documents have already been placed before the Hon'ble High Court of Delhi and the questioned documents along with the admitted signatures/handwriting samples, have been duly sent to the FSL. Therefore, there is no further requirement for the custody of the applicant/accused in relation to the matter at hand and; **Lastly**, the investigation is already complete and the chargesheet qua the co-accused persons with respect to the alleged incident is already filed. The mere fact that the complainant has filed a protest petition, which is still pending adjudication, or that the IO is/may conduct a further investigation and may file supplementary chargesheet cannot be a ground to deny the benefit of the present anticipatory to the applicant/accused.

24. Therefore, in view of the above, the present anticipatory

bail application of the applicant/accused Kanwarjeet Singh Kochhar is hereby allowed and the interim protection granted to the applicant/accused vide order dated 22.03.2025, which was subsequently extended from time to time, is hereby made absolute. The applicant/accused is directed to continue joining the inquiry/investigation and in the event of his arrest, the following directions shall be followed: -

i) In the event of arrest of the applicant/accused, he shall be released on bail. The amount of bail bond shall be Rs. 1,00,000/- with two local sureties in like amount to the satisfaction of the concerned IO/SIIO.

ii) The applicant/accused shall cooperate in the inquiry/investigation at every stage, and shall make himself available for interrogation by the police as and when required.

iii) The applicant /accused shall provide his latest address to the IO /SIIO concerned and in the event of change of address, he shall ensure that he provides his fresh/latest address to IO/SIIO concerned immediately.

iv). The applicant/accused shall not leave India without prior permission of the concerned Id. Trial Court.

v). The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

25. Subject to the above conditions, the anticipatory bail application filed under section 482 BNSS, 2023 on behalf of applicant/accused **Kanwarjeet Singh Kochhar** stands allowed and disposed of.

26. It is needless to say that nothing stated herein shall be construed as an opinion or expression on the merits of the case.

27. Copy of this order be given dasti to the parties.

28. The application stands disposed of accordingly.

(ATUL AHLAWAT)  
ASJ/SPECIAL JUDGE (NDPS)/  
PHC/NEW DELHI/27.09.2025