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

Judgment delivered on : February 03, 2017

\+ BAIL APPLN. 2671/2016

KASHISH AUJLA ..... Petitioner

Through: Mr.Vikas Pahwa, Senior Advocate with Mr.Ajay Khanna, Mr.Ankit Khanna, & Mr.Karan Khanuja, Advocates

versus

STATE ..... Respondent

Through: Mr.Ashish Dutta, Additional Public Prosecutor for the State with Sub-Inspector Raj Kumar, PS Kotla Mubarak Pur, New Delhi.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

JUDGMENT

P.S.TEJI, J.

1. By this petition filed under Section 439 read with Section 482 of Cr. P.C., the petitioner seeks regular bail in a case registered in FIR No. 437/2016 under Section 420/120B of Indian Penal Code, at Police Kotla Mubarakpur, New Delhi.

2. The facts emerging from the record are that the complainant Sanjeev Kumar hired the servies of the Agency Cupid Holidays Pvt. Ltd for nine people for journey to and fro Srinagar. Amount for the said journey of Rs.1,62,000/- was given and tickets were booked. Passengers reached the destination but on the date of return journey, it was revealed that the return tickets had been cancelled by the agency

without any intimation to the complainant, even though his email and contact number were available with the accused. The petitioner is one of the Directors of the accused company which was not itself making bookings but doing the same through Satkar Travels. It is alleged that neither any intimation was given nor the amount was refunded and thereafter when accused persons were contacted, it was revealed from one Ravikant,0 one of the employees of the company that both the accused were absconding.

3. During investigation, it was revealed that the accused persons had mostly targeted government servants by alluring them with handsome LTC packages and so far 62 victims had lodged their grievance by filing 32 complaints.

4. After registration of the FIR, the present petitioner was arrested on 07.07.2016 and since then he is in judicial custody. During investigation, the accounts of Cupid Holidays Pvt. Ltd., one in ICICI bank and another in SBI were freezed. One personal account of main accused Sanjeev Khanna in South Indian Bank, Malviya Nagar was also freezed. However, the main accused Sanjeev Khanna is still absconding.

5. Arguments advanced by the learned Senior Counsel for the petitioner as well as learned APP for the State were heard.

6. Argument advanced by the learned Senior Counsel for the petitioner is that the petitioner is in custody for more than five months

and the investigation qua the petitioner has been concluded and charge sheet has been filed on 03.09.2016, wherein no substantial role has been attributed to the petitioner. It is further contended that the petitioner was also made accused in another FIR no.157/2016 registered at District Hyderabad Police Station Cyber Crime under Section 66 (C) (D) ITA Act 2008 and 420 IPC, which was registered on similar facts in which the petitioner has been granted bail on 12.09.2016. The petitioner had signed some blank cheques to be used only for the purpose of smooth functioning of office and kept with Mr. Sanjeev Khanna, who had misused the same to siphon off the funds of the complainants. All the financial transactions were done solely by the main accused Sanjeev Khanna. Sanjeev Khanna being Managing Director of the Company is responsible for day to day running affairs of the company directly dealing with all the clients. The complainants confirmed the fact that they met Sanjeev Khanna who lured and cheated them and consequently they handed over the cash or cheque to him and not to the petitioner herein.

7. Learned Additional Public Prosecutor for the State vehemently opposed the bail application and submitted that the petitioner is a nephew of the main accused, who is absconding and there are multiple victims who have lodged their complaints against the accused persons. The accused persons have induced many persons by same modus operandi and targeted mostly government servants by luring them with handsome LTC packages for J&K, Sikkim and Darjeeling, for which the amount in cash or cheque was taken and before the journey the air

tickets were cancelled. Main accused Sanjeev Khanna is still absconding and process under Section 83 of Cr.P.C. has been initiated against him.

8. Perusal of record shows that the petitioner was running a company for booking the air tickets of customers. The complainant has alleged that after performing Delhi to Srinagar journey, when he was about to perform outbound journey from Srinagar, it was found that the tickets issued to them had been cancelled. On contacting the office of the accused, no satisfactory reply was received and he had to spend money to perform the outbound journey. It is also alleged against the accused that not only the complainant but along with the co-accused he has cheated many more innocent people in a similar fashion.

9. It has also been revealed from the record that the company or firm being run by the petitioner/accused and his co-accused was not an authorized agent for booking of air tickets on behalf of IATA. They were acting as agent or sub-agent of the airlines company for booking of tickets, but they had no such authorization to book the tickets. Apparently, they were running the office without any valid authorization.

10. So far as the contention of the petitioner that the co-accused Sanjiv Khanna was the Managing Director of the company and that he was solely responsible for the affairs of the company is concerned, it is apparent from the record that the petitioner was also one of the

Directors of the company and thus he was also responsible for the affairs of the company which cheated several innocent people, firstly by booking the tickets for them and then cancelling the tickets unilaterally without informing them about the same, putting them in lurch.

11. In view of the above mentioned facts and circumstances, this Court is not inclined to grant the concession of bail to the petitioner/ accused.

12. Before parting with the order, this Court would like to place it on record by way of abundant caution that whatever has been stated hereinabove in this order has been so said only for the purpose of disposing of the prayer for bail made by the petitioner. Nothing contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in the case which shall naturally have to be done by the Trial Court seized of the trial.

13. With aforesaid direction, the present bail application, filed by the petitioner stands dismissed.

(P.S.TEJI)
JUDGE

FEBRUARY 03, 2017
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