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

**Reserved on : 01.12.2021**

% **Pronounced on : 07.01.2022**

\+ **BAIL APPLN. 418/2021**

DEEPAK KUMAR SHAMI ..... Petitioner

Through: Mr. Ravi Ranjan, Advocate.

Versus

STATE OF NCT OF DELHI ..... Respondent

Through: Ms. Rajni Gupta, APP for the State.
Mr. Rajiv Pratap Singh, Advocate for the complainant.

**CORAM:**
**HON'BLE MR. JUSTICE RAJNISH BHATNAGAR**

**JUDGMENT**

**RAJNISH BHATNAGAR, J.**

1. The present application has been filed under Section 438 Cr.P.C on behalf of the petitioner seeking anticipatory bail in case FIR No. 892/2015 under Sections 420/34 IPC registered at Police Station Preet Vihar.

2. In brief the facts of the case are that FIR No. 892/2015, dated 31.12.2015, under sections 420/34 IPC was registered at Police Station Preet Vihar on the complaint of complainant Jaspreet Singh Seth against Mr. Deepak Kashyap (Managing Director), Mr. Pradeep Singh (Director) and Mr. Ajay Rana (Manager) of *M/S* Deva Creation Pvt. Ltd., wherein he alleged that in January 2015 he saw an advertisement on a car and contacted M/S Deva Creation Pvt. Ltd having its office at G- 11, Vikas Deep

Building, District Centre, Laxmi Nagar, Delhi-110092 and asked from the employees of company about the offers to get a car from their company. Mr. Ajay Rana (Manager) told him about their plans to give a car by putting advertisement on it for which he did not have to pay any installment. Mr. Pradeep Singh (Director)and Mr. Deepak Kashyap (Managing Director) lured him to invest Rs. 61,000/- in their company. The complainant deposited Rs. 61,000/- through DD in their company and purchased a car i.e., Maruti Ertiga bearing no. DL3CCF3268 on finance from ICICI Bank and made the down payment of Rs. 1,37,000/- for the said car. He took total loan of Rs. 6,02,378/-for the said car. Soon after the purchase of car, he visited the office of company, but no one was present at the office. The accused persons ran away after cheating him and switched off their mobile phone. Hence, this case was registered.

3. I have heard the Ld. counsel for the petitioner and the Ld. APP for the state and perused the status report filed by the state.

4. It is submitted by the Ld. counsel for the petitioner that petitioner has not been named in the FIR and he was completely unaware of the registration of the FIR No. 0892/2015 and came to know about the same in the last week of November, 2020, that the police was making inquiry about him. It is further submitted that the petitioner was a sleeping Director and was not involved in the affairs of the company. Ld. counsel for the petitioner submitted that the petitioner's real maternal uncle, namely, Jaswant Verma incorporated M/s Deva Creation Private Limited and that he exclusively controls the company. It is further submitted that the petitioner was made the second director/ non-active director of the company only to complete the

statutory compliances of two directors in a private limited company and that the petitioner was not given any authority to look into the affairs of the company. Ld. counsel for the petitioner further submitted that it is the case of the complainant that he had made the payment through DD in the account of the company and therefore, the petitioner cannot be termed to be a beneficiary of the amount paid by the complainant.

5. On the other hand, learned APP for the state vehemently opposed the bail application and submitted that the allegations are serious in nature and there are 32 other complaints received at Police Station Preet Vihar with similar allegations of cheating against Jaswant Verma and Deepak Kumar. It is further submitted that the other complainants stated that accused persons also cheated them on the same modus operandi and took approximately Rs. 25,00,000/- from them. It is further submitted that Petitioner became director of the said company on 31.12.2013 and resigned from directorship on 24.07.2015, thus, it is clear that the petitioner and Jaswant Verma were directors in the company when complainant paid money to the employees of M/s Deva Creations Pvt Ltd. Ld. APP for the state submitted that the details of bank account No. 083105001189 of M/s Deva Creation Pvt Ltd were obtained from ICICI Bank, Laxmi Nagar and as per Bank record, the account is in the name of M/s Deva Creation Pvt Ltd having its director Deepak Kumar (Petitioner herein) and Jaswant Verma and as per the bank statement, on 10.07.2015, an amount of Rs. 40,000/- was transferred from bank account of complainant to that of the company. It is submitted that the Company is having another account no. 914020001126835 in Axis Bank and Jaswant Verma and Deepak Kumar (Petitioner herein) were signatories

to it. Ld. APP for the state further submitted that the offence is serious in nature and NBWs are already obtained against petitioner but he is absconding.

6. In the instant case, on 19.09.2020, NBW were issued against the petitioner and on 30.01.2021 fresh NBWs were issued, however, the petitioner is absconding and evading arrest. As per the submissions of learned APP, petitioner was the director of M/s Deva Creation Pvt. Ltd. The said company used to induce customers to purchase a new Car in their name by obtaining loan and the customers were directed to put different ads on their car and in lieu of putting ads, the company, in return, would pay installments of the car loan. The Company took Rs. 25,000/- as registration fees and also provided money receipt and Advertisement Agreements. After obtaining the registration fees the company failed to make installments of car loan. The said company has collected the amount from approximately 100 customers and ran away after closing company office at Vikas Deep Building, District Centre, Laxmi Nagar. Apart from the present complainant, there are 32 other complaints received at Police Station Preet Vihar with similar allegations of cheating.

7. Keeping in view the facts and circumstances of this case, and the serious allegations against the petitioner, of cheating thirty-two credulous, innocent, gullible and poor people, to the tune of Rs. 25,00,000/- approximately, by being actively involved in the management and day-to-day affairs of the company while holding the position of a director since 31.12.2013 and also, considering the fact that NBWs were issued against the petitioner on 19.09.2020 as well as on 30.01.2021 and he is absconding and

evading arrest and custodial interrogation of the petitioner is required to unearth the truth of cheating the complainants and for recovery of the cheated amount, no ground for bail is made out, the bail application is, therefore, dismissed.

8. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of this case.

**RAJNISH BHATNAGAR, J**

**JANUARY 07, 2022**
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