2023:DHC:3902

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

Reserved on : 17.04.2023
% **Pronounced on : 31.05.2023**

\+ **BAIL APPLN. 1068/2023**

PRADEEP KUMAR @SANDEEP SHARMA ..... Petitioner

Through: Mr. Gaurav Bhardwaj, Ms. Himani Kaushik, Mr. S. P. Yadav and Mr. Rahul Bhati, Advocates.

versus

THE STATE (NCT OF DELHI) ..... Respondent

Through: Ms. Priyanka Dalal, APP for the State with SI Bajrang, PS Patel Nagar.
Mr. Mohit Kapoor, Advocate for the complainant.

CORAM:
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

RAJNISH BHATNAGAR, J.

1. This is a petition filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No. 796/2022 under Sections 406/420/467/468/471/120B IPC registered at Police Station Patel Nagar, Delhi.

2. In brief the facts of the case are that complainant Kanwaljeet Singh had filed a complaint in which he alleged that one Amarjeet Singh offered him various investment plans and upon gaining his confidence, he made the

complainant to invest in certain ventures. The complainant further alleged that on 24.11.2022, Amarjeet Singh approached him and told him that he is in urgent need of Rs.1 crore in cash for one of his client against bank transfer and lured him of 50% commission for the same.

3. It is further alleged by the complainant that Amarjeet Singh won his confidence by showing bank account statement of his client reflecting more than Rs. 1 crore balance and further assured that if an amount of Rs. 1 crore in cash is delivered to his client in Karol Bagh, his client could immediately transfer the same along with commission in bank account and in this way huge commission can be earned. Complainant further alleged that on the same day he went to Karol Bagh with an amount of Rs.1 crore in cash and met accused Amarjeet Singh at Gurudwara Road Opposite ICICI Bank, Karol Bagh, who asked the complainant to deliver the cash directly to his client's office situated at 9/2, 3rd Floor, East Patel Nagar New Delhi, and thereafter, complainant reached at the above address at about 11:30PM where accused Amarjeet Singh along with his other associates namely Jitendra Singh @ Jeetu, Pradeep Kumar @ Sandeep Sharma (petitioner herein), Upkar Singh, Sushil Bhati and Sandeep Yadav @ Bunty also met the complainant.

4. It is further alleged by the complainant that petitioner Pradeep Kumar @ Sandeep Sharma took Rs.1 crore from the complainant in cash in the presence of above accused persons and lady employee Simran and other employees.

5. Complainant further alleged that the petitioner took the delivery of cash and told him that he would deposit the said amount in his godown and will come back in half an hour and till then his employee Simran along with other accused persons would facilitate the bank transfer of funds in account but petitioner did not return and switch off his mobile phone and fled away with the cash of Rs.1 crore.

6. On the basis of the complainant of Kanwaljeet Singh, the present case was registered at P.S.Patel Nagar and investigation went underway.

7. I have heard the learned counsel for the petitioner, learned APP for the State assisted by the learned counsel for the complainant, perused the status report filed by the state and also perused the records of this case.

8. It is submitted by the learned counsel for the petitioner that out of the cheated amount of Rs.1 crore, a sum of Rs.63,47,500/- has been recovered from the house of the petitioner. It is further submitted that two co-accused, namely, Upkar Singh and Jitender Singh have been granted bail. It is further submitted that the petitioner is in judicial custody since 29.01.2023 and no useful purpose would be served by keeping him in judicial custody.

9. On the other hand, it is submitted by the learned APP for the State that the petitioner is not entitled to parity with the above said two co-accused persons as they have been granted bail on depositing of Rs.10,00,000/- and Rs.5,00,000/- respectively. It is further submitted by learned APP that the allegation against the co-accused persons who have been granted bail are under Sections 420/406 IPC only which is not the case of the petitioner herein. It is further submitted by the learned APP that co-accused Kapil

disclosed the real name of his partner, namely, Sandeep Sharma to be Pradeep Kumar Pathak (petitioner herein). He further submitted that co-accused Kapil disclosed that petitioner got prepared forged Aadhar Card for both of them, and the petitioner had shown a fake bank account statement to the tune of Rs.1,56,00,000/- to the complainant at the time of handing over of cash of Rs.1 crore to the petitioner.

10. It is further submitted by the learned APP that the details from R.O.C in respect of company, namely *'Ram and Shyam'* were obtained and the company was found to be a fake company. He further submitted that the office taken by the above said company on rent was taken by way of forged documents and a bank account was also opened by using forged documents. He further submitted that the petitioner has obtained mobile number by using Aadhar Card of one Sandeep Sharma by putting his photograph.

11. In the instant case, the cheated amount is Rs.1 crore, which was given by the complainant in cash to the petitioner. As per the seizure memo dated 27.01.2023 a sum of Rs.63,47,500/- out of total cheated amount of Rs.1 crore has been recovered at the instance of the petitioner. All the documents alleged to have been forged by the petitioner are with the prosecution as the same have been recovered. The petitioner is in judicial custody since 29.01.2023.

12. As mentioned hereinabove substantial cheated amount has been recovered, alleged forged and fabricated documents have also been recovered, two of the co-accused have also deposited a sum of Rs.15,00,000/- at the time of grant of bail to them. Though the petitioner is

not entitled to parity with co-accused but as already observed hereinabove, looking into the length of custody and particularly looking into the fact that more than Rs.60,00,000/- have been recovered at the instance of the petitioner, forged and fabricated documents are already with the investigating agency and also the fact that as per the status report filed by the prosecution, the petitioner has clean past antecedents, no useful purpose would be served by keeping the petitioner in judicial custody. In these circumstances, the application is allowed and the petitioner is admitted to bail on his furnishing a personal bond in the sum of Rs.1,00,000/- with one surety in the like amount to the satisfaction of the trial court concerned.

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

RAJNISH BHATNAGAR, J

MAY 31, 2023/ib