$~43

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

\+ BAIL APPLN. 262/2024

SUNIL BAJAJ ..... Petitioner

Through: Mr.Ravi Kalra and Mr.Prateek Lakra, Advocates

versus

STATE OF DELHI NCT ..... Respondent

Through: Mr.Ajay Vikram Singh, APP for the State with SI Nitin, PS Farsh Bazar.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

O R D E R

% **07.02.2024**

1. An application under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of anticipatory bail in FIR No. 152/2023 under Sections 419/420/34 IPC registered at P.S. Farsh Bazar.

2. As per the case of the prosecution, present FIR was registered on the complaint of *Harpreet Singh* regarding cheating of Rs.40 lacs and 500 gms gold, by impersonation by six accused who posed as CBI Officers. Complainant alleged that he runs a jewellery shop in the name of *Gurucharan Jewellers* and on 17.04.2023 about 8:45 PM, six persons including a woman entered the shop and introduced themselves as CBI Officers with ID Cards hanging around their neck. The aforesaid persons stated that there is a complaint against complainant for indulging in illegal work of gold. After the customers left the showroom, they locked the door from inside and started searching the shop and also coerced the complainant

to sign a paper. Further they took Rs.40 lacs to settle the matter and on checking, it was revealed that the said persons had taken away 500 gms of gold worth Rs.30 lacs. The incident was reported to the Police after a week and FIR was accordingly registered on 24.04.2023.

3. During the course of investigation, accused *Pawan Gupta, Himanshu @ Dinesh @ Bablu, Sandeep Bhatnagar* and *Yogesh Sharma* were arrested and disclosed regarding involvement in the present case. Rs.10 lakhs along with 57 gms and 47 gms of gold was recovered from accused *Pawan Gupta;* Rs.1 lakh was recovered at the instance of accused *Himanshu@ Dinesh@ Bablu;* two DVRs were recovered from accused *Yogesh Sharma*. Accused *Sandeep Bhatnagar* further disclosed that he had handed over Rs.20 lakhs of his share to the present applicant/petitioner *Sunil Bajaj*.

4. Learned counsel for the petitioner submits that the amount of Rs.20 lakhs was returned by one *Vimal Bhatnagar* on 18.04.2023, to whom said amount was loaned. Further reliance is placed upon a 'Note' which was written by *Vishal* Bhatanagar in this regard and bears the signatures of *Vimal Bhatnagar* and the petitioner *Sunil Bajaj*. It is further submitted that the petitioner in no manner is connected with the alleged commission of offence and amount of Rs.20 lacs which was returned by *Vimal Bhatnagar* is no way connected with the case property.

5. On the other hand, application has been vehemently opposed by learned APP for the State. It is submitted that aforesaid Note dated 18.04.2023 relied upon by petitioner has been created to ensure that case property is not recovered. It is submitted that there was no necessity of mentioning in the Note that Sandeep Bhatnagar had no connection in the aforesaid transaction. It is further submitted that *Vimal Bhatnagar* had

joined investigation and has denied having handed over any money as alleged in the said Note though he has admitted to the preparation of Note by him. It is further submitted that though the petitioner had earlier joined investigation but the recovery of the cheated amount is yet to be made.

6. Considering the facts and circumstances, since *Vimal Bhatnagar* has denied having handed over any amount in cash in terms of the Note dated 18.04.2023, during the course of investigation, no grounds for anticipatory bail are made out. The custodial interrogation of the petitioner for purpose of recovery appears to be imperative.

Application is accordingly dismissed. Pending application, if any, also stands disposed of.

ANOOP KUMAR MENDIRATTA, J

FEBRUARY 7, 2024/v