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

+ BAIL APPLN. 687/2024

ANKIT KUMAR SHARMA

..... Petitioner

Through: Mr. Abhik Kumar, Mr. Karan Tarkar,  
and Mr. Rinku Mathur, Advs.

versus

STATE OF GOVT OF NCT DELHI

..... Respondent

Through: Mr. Raghuvinder Verma, APP for  
State with SI Ankit Singh, PS.  
Nangloi.

Mr. Yudhvir Gehlot, Mr. Sunil  
Sehrawat, Mr. Pushpender Sharma  
and Mr. Akshay Sharma, Advs. for  
complainant.

**CORAM:**

**HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**ORDER**

**09.04.2024**

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1. The present petition has been filed under Section 439 CrPC read with Section 482 CrPC seeking regular bail in connection with FIR No.304/2023 under Sections 420/468/471/120B/34 IPC registered at Police Station Nangloi.

2. The case of the prosecution is that the complainant was known to the co-accused person namely Ved Prakash, Narender Saroha and Raj Kumar Mehto. The complainant was induced by the co-accused that his son can be provided a job by them and accordingly, an amount of Rs.30 lacs was taken from the complainant on different occasions. Later, complainant found that the appointment letter and the ID card provided to his son were fake. This led to the registration of aforesaid FIR. Thereafter, more complaints were received against the co-accused.



3. The learned counsel for the petitioner submits that in so far as the present petitioner is concerned, the only incriminating material on which reliance has been placed by the prosecution is the pen drive allegedly recovered from the residence of the petitioner, as well as, the CDRs showing that the petitioner was in contact with co-accused Ved Prakash and Narender Saroha.

4. He further submits that it is not a case of the prosecution that any amount was received by the present petitioner in his account either from the complainant/victim or from the co-accused. As per the prosecution version co-accused have received money from the complainant/victim.

5. He submits that the petitioner is in custody since 29.09.2023, who is aged about 32 years and is a single parent of the minor child, who is presently being taken care of by the old parents of the petitioner.

6. He submits that in so far as five other cases stated to be registered against the present petitioner are concerned, in one case arising out of FIR No.144/2023 under Sections 406/420/467/468/471 IPC registered at Police Station Arya Nagar, Rohtak, Haryana, the petitioner is already on bail.

7. In so far as the other cases arising out of - (i) FIR No. 65/2021 under Sections 420/467/468/471/120B IPC registered at Police Station Prem Nagar, Dehradun, Uttarakhand, (ii) FIR No. 232/2023 under Section 379 IPC registered at Police Station Sector-08, Faridabad, Haryana, (iii) FIR No. 247/2021 under Sections 397/341/34 IPC and Section 27 of Arms Act registered at Police Station Dera Basi, Punjab, are concerned, the same have been registered against the unknown persons and the petitioner has been arraigned as accused only on the basis of disclosure statements made by the co-accused in those cases.



8. As regard the FIR No. 104/2023 under Sections 406/354/342/312/323/506/498A IPC and Sections 3/4 of Dowry Prohibition Act, registered at Police Station Mahila Thana, Ghaziabad, U.P, the submission of the learned counsel for the petitioner is that the said case is an outcome of a matrimonial dispute, registered at the instance of the estranged wife of the petitioner.

9. He further submits that the involvement in other cases cannot be the sole ground to deny the bail to the petitioner. He further submits that the co-accused namely Ashutosh Kumar and Surya Bhan Verma, who are similarly situated have already been granted bail, whereas the main accused Ved Prakash was never arrested and the charge sheet was filed *qua* him without his arrest and he has also been granted bail by the learned Trial Court.

10. He further submits that the charge sheet has been filed *qua* the present petitioner as well but the charges have not yet been framed and the prosecution has cited as many as 30 witnesses, therefore, the conclusion of trial is likely to take long time.

11. *Per contra*, the learned APP for the State has argued on the lines of the Status Report.

12. I have heard the learned counsel for the petitioner, as well as, the learned APP for the State and have perused the record.

13. It is not the case of the prosecution that the present petitioner was in direct contact with the complainant or other victims nor there is any allegation that the petitioner has received any money either from the complainant or other victims directly or through co-accused.

14. As regards the incriminating material in the form of CDRs is concerned, it is trite law that the CDR is not a substantive piece of evidence



and conviction cannot be based solely on the CDRs without any corroboration. In so far as pen drive recovered from the petitioner is concerned, the same does not establish that the petitioner has defrauded the complainant/victims.

15. Admittedly, the investigation is complete *qua* the present petitioner and the charge sheet has been filed, therefore, in the circumstances discussed above, no useful purpose will be served in keeping the petitioner incarcerated for an indefinite period to await the outcome of the trial which has not yet commenced.

16. It is also a matter of record that other co-accused namely Ashutosh Kumar and Surya Bhan Verma have already been enlarged on bail by this Court. The main accused Ved Prakash was never arrested and the charge sheet against him was filed without his arrest. He has also been granted bail by the learned Trial Court after filing of charge sheet.

17. The petitioner is stated to be a permanent resident of Delhi, therefore, he does not seem to be a flight risk. Even otherwise appropriate conditions can be imposed to ensure the presence of petitioner during the trial. In so far as involvement in other cases is concerned, the petitioner is on bail in the said cases and some of the cases are stated to have been registered against unknown persons and the petitioner has been named only by co-accused in those case. Further, involvement in other cases cannot be the sole ground for rejection of bail.

18. Considering the aforesaid circumstances in entirety, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 25,000/- and one Surety Bond of the like



amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:

- a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
  - b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
  - c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses or tamper with the evidence.
19. The petition stands disposed of.
  20. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on the merits of the case.
  21. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.
  22. Order *dasti* under signatures of the Court Master.
  23. Order be uploaded on the website of this Court.

**APRIL 9, 2024/dss**

**VIKAS MAHAJAN, J**