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

% **Date of Decision : 04.03.2024**

+ **BAIL APPLN. 786/2024**

VARUN CHAUHAN Petitioner

Through: Ms. Sweta Rani, Advocate

versus

STATE NCT OF DELHI Respondent

Through: Mr. Manoj Pant, APP for the
State with SI Surekha, P.S.
Special Cell.
Mr. Manish Gandhi, Advocate
for the complainant

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J (ORAL)

CRL.M.A. 6964-65/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The instant petition under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of petitioner seeking grant of anticipatory bail in case bearing FIR no. 267/2023



dated 25.10.2023 registered at Police Station Special Cell for offence punishable under Sections 419/420/467/468/471/120B/23 of Indian Penal Code, 1860 ('IPC').

4. Issue notice. Mr. Manoj Pant, learned APP accepts notice on behalf of the State.

5. Briefly stated, the facts of the present case are that the complainant Ashish Kohli had made a complaint with Special Cell alleging that he has been cheated of an amount of Rs. 17 lacs. It is alleged that the complainant's brother Goldy Khurana had a case pending under the Company's Act at NCLT Court, New Delhi, in which a stay was granted. It is stated that to get the stay vacated, they were making efforts. In the meanwhile, the complainant was informed that the stay has been granted on the directions of PS to the Union Home Minister. Thereafter, the complainant had contacted the mobile no. ***009, provided by the Registrar, Mathura (present applicant) who had introduced himself as Saket Kumar, PS to Home Minister of India, who had informed him that the order was given on the directions of Advisor to Law Minister of India. Thereafter, the complainant had received a call from two different numbers from accused Nitin Gupta who had introduced himself as advisor to Law Minister of India and had called him to visit Delhi, and had assured him that he will get the stay vacated. The complainant had met accused Nitin Gupta who had introduced him with other two accused persons Varun Chauhan (as Saket Kumar, PS to Union Home



Minister of India), and accused Sikha Gupta (as Personal Secretary to Varun Chauhan). It is alleged that the complainant on the demand of accused persons had paid Rs.12 lacs to settle/vacate the stay, and later also gave a forged court/N.C.L.T. order dated 12.04.2023 to the complainant to gain his confidence. It is alleged that in the meantime, complainant informed the entire incident to his friend and he came to know that Nitin Gupta and his associates are neither legal advisors nor are they PS to Home Minister of India and the order qua vacation of stay is also fake under a well conspired scheme. Hence, the present FIR was registered.

6. Learned counsel for the applicant argues that the applicant has been falsely implicated in the present case. It is argued that the main accused persons Shikha Gupta and Nitin Gupta have already been arrested and the applicant is willing to join the investigation. Therefore, it is prayed that applicant be granted anticipatory bail.

7. On the other hand, learned APP for the State argues that the allegations against the applicant are grave and serious in nature and the applicant is required for custodial interrogation. It is further argued that the learned Sessions Judge has rightly dismissed the anticipatory bail application of the applicant/accused. Therefore, the learned APP for the State prays that the application for grant of anticipatory bail be rejected considering the allegations against the applicant.

8. This Court has heard arguments addressed by learned counsel



for the applicant as well as learned APP for the State and have perused the material on record.

9. The allegations against the applicant are serious in nature since he has impersonated himself as PS to Home Minister of India. The allegations also are that the complainant herein had met the accused in the Court and had also handed over him, at the instance of the co-accused, a cash amount of Rs. 3 lakhs in the Court itself.

10. In such circumstances, since the applicant has impersonated himself as Saket Kumar PS to Union Home Minister of India and played active role in the conspiracy. He has also taken money on the pretext of settling/vacating the stay qua the complainant firm Milestone Realcon Ltd. and also forging the court/N.C.L.T. order dated 12.04.2023, the custodial interrogation of the applicant is required to unearth the entire conspiracy, recovery of material evidence and also recovery of cheated money.

11. Impersonation, especially when done with the intent to deceive or manipulate, is a serious offense with far-reaching consequences. In the present case, where the applicant has purportedly impersonated himself as PS to the Union Home Minister of India, the gravity of the act cannot be overstated. By assuming the identity of a high-ranking government official, the applicant not only engages in deceit but also undermines the trust and integrity of the governmental system. Impersonating a representative of the Union Home Minister carries significant implications beyond the immediate victims. Such actions



have the potential to breed widespread scepticism towards governmental institutions, undermining public trust and fostering an atmosphere of uncertainty and unrest. The ramifications extend beyond mere financial or personal harm, impacting the credibility of the government and the rule of law.

12. Furthermore, the alleged involvement of the applicant in a conspiracy, coupled with the use of impersonation to further illicit objectives, underscores the need for custodial interrogation. The complexity and severity of the offenses alleged necessitate a thorough investigation, including the interrogation of the accused in custody. Granting anticipatory bail in this scenario could potentially impede the investigation, hamper the recovery of evidence, and undermine efforts to uncover the truth. Therefore, it is crucial for this Court to prioritize the interests of justice and deny anticipatory bail to the applicant, ensuring that the investigation proceeds unhindered and justice is served.

13. Accordingly, the present application for grant of anticipatory bail stands dismissed.

14. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

15. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 4, 2024/ns