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

+ **BAIL APPLN. 3247/2024 & CRL.M.A. 27030/2024**

PANKAJ SONI

.....Applicant

Through: Mr. Abhishek Kukkar, Mr.
Kunal Choudhary and Mr.
Shivraj Singh Tomar,
Advs.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP
for the State with SI Arun
Ahlawat, PS EOW.
Mr. Aditya and Ms.
Pragya Dubey, Advs. for
the complainant.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

24.10.2024

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1. By the present bail application, the applicant seeks regular bail in FIR No. 105/2022 dated 05.07.2022, registered at Police Station Economic Offences Wing, for offences under Sections 406/420/120B of the Indian Penal Code, 1860 (**IPC**).
2. The FIR was registered pursuant to the allegation that the applicant collected more than ₹80,00,000/- from 79 complainants and thereafter ran away.
3. The learned counsel for the applicant submits that there have been some financial transactions with the complainants, however, the same is a civil dispute.
4. He submits that the applicant had returned the money to

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certain complainants, however, the correct facts have not been disclosed.

5. He submits that the allegation that the applicant had ran away is also incorrect since a notice under Section 41A of the Code of Criminal Procedure, 1973 (**CrPC**), was served on the applicant and the applicant had joined investigation.

6. He submits that the arrest of the applicant, in such circumstances, is contrary to the provisions of the CrPC since no ground has been made out as to why custodial interrogation of the applicant was required.

7. The learned counsel for the complainants submits that a large number of victims have been cheated of their hard-earned money.

8. He submits that that the applicant admits that the amount has been taken from the victims and directions may be passed to return the said amount.

9. On being pointedly asked, the Investigating Officer has not been able to point out that the applicant or his family members are in possession of any property or the bank account where the alleged cheated amount has been deposited. Even otherwise, the State is at liberty to pass an appropriate order seeking attachment in case during the course of investigation, a property is found in possession of the applicant or his family members, which the Police suspects to be part of the proceeds of the cheated amount.

10. The applicant is in custody since 20.04.2023 and the trial is yet to start.

11. The applicant has already spent substantial period of time in custody.

12. In the opinion of this Court, no purpose would be served



by keeping the applicant in further incarceration when the trial is admittedly not likely to conclude in near future when in fact it has not started. The transaction between the accused and the complainants, whether commercial or were made with the intent to cheat, would be decided during the course of trial and ought not to be commented upon at this stage.

13. Without commenting further on the merits of the case, this Court is of the opinion that the applicant is entitled to be admitted on bail. In view of the above, the applicant is directed to be released on bail on him furnishing a bail bond of ₹50,000/- with two sureties of the like amount subject to the satisfaction of the learned Trial Court / Duty MM / Link MM, on the following conditions :

- a) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b) The applicant shall under no circumstance leave the boundaries of the country without the permission of the learned Trial Court;
- c) The applicant shall appear before the learned Trial Court as and when directed;
- d) The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- e) The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.



14. In the event of there being any FIR/ DD entry/ complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

15. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

16. The bail application is allowed in the aforementioned terms. Pending application(s) also stand disposed of.

AMIT MAHAJAN, J

OCTOBER 24, 2024

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