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

\+ BAIL APPLN. 714/2025

DHARMENDER CHAUHAN .....Petitioner

Through: Mr. Yasir Arafat, Mr. Taufeek Ahmad and Mr. Saduddin Khan, Advocates.

versus

THE STATE NCT OF DELHI .....Respondent

Through: Mr. Amit Ahlawat, APP for State with Mr. Parveen Kr, SI and Mr. Satendar, HC, PS-Cyber SED, ND.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% **18.02.2025**

1. The present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] seeks grant of pre-arrest bail in FIR No. 81/2024 dated 10th December, 2024, registered under Section 318(4)/3(5) of the Bharatiya Nyaya Sanhita, 2023[2] at P.S. Cyber Police Station, South-East, Delhi.

2. The case of the Prosecution is briefly summarised as follows:

2.1 The aforenoted FIR was registered based on a complaint registered by Sh. Sanjeev Kumar/ Complainant, alleging that he was maintaining a savings bank account with the Punjab National Bank[3] at their Alaknanda

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[1] "BNSS"
[2] "BNS"
[3] "PNB"

branch in New Delhi. On 20th November, 2024, the PNB staff informed the Complainant that a withdrawal of INR 24,35,000/- had been made from the said bank account through 2 forged cheques: Cheque No. 388128 for INR 9,85,000/- encashed on 30th October, 2024; and Cheque No. 388125 for INR 14,50,000/- encashed on 8th November, 2024. However, the Complainant still holds the original blank cheques issued by the bank, which have the same numbers as the aforesaid forged cheques. As a result of the said activity, the Complainant incurred a loss of INR 24.35 Lakh. Consequently, the impugned FIR was registered.

2.2 During the investigation, the bank statement of the Complainant was obtained from the relevant PNB branch. Additionally, the Complainant's statement was recorded under Section 180 of the BNSS. The original blank cheques were seized from the Complainant through a seizure memo and entered into the official record.

2.3 Upon analysis of the bank statements relating to the beneficiary of the cheated amount, it was discovered that, of the total defrauded amount of INR 24,30,000/-, INR 9,85,000/- was credited into an alleged PNB account *via* Cheque No. 388128 on 30th October, 2024. The said account was identified as belonging to co-accused Rahul Kumar.

2.4 Of the said amount of INR 9,85,000/-, a sum of INR 5,00,000/- was transferred to the HDFC Bank Account of the present Applicant, Dharmender Chauhan. Further, a sum of INR 3,26,000/- was received from the PNB Account of co-accused Kapil Kumar. In total, the Applicant received an amount of approximately INR 8,26,000/- in his own account.

2.5 According to the report from the Printing Press and Stationery Department of PNB, both cheques were found to be fake and fabricated, and had not been issued by PNB to the account holder, *i.e.*, the Complainant.

2.6 In this regard, an FIR bearing No. 1034/2024 was also registered by PNB, at PS Manglore, Distt- Haridwar against the Applicant under Sections 318(2)/336(3)/338/340(2) of the BNS. Additionally, another complaint was lodged against the Applicant at the Cyber Police Station, Saket, South District.

3. The Applicant had earlier applied for anticipatory bail before the Trial Court, however, the same was rejected *vide* order dated 27th January, 2025, on the ground that the *modus operandi* of the offence necessitated custodial interrogation of the Applicant.

4. Aggrieved by the aforenoted decision, the Applicant has now invoked the jurisdiction of this Court. In this regard, the Applicant presents the following submissions in support of his request for anticipatory bail:

4.1 The Applicant has a clean criminal record and has never been involved in any criminal activities. He acknowledges that a sum of INR 5 lakhs was transferred by co-accused Rahul Kumar into his account, and a further INR 3,26,000 was transferred by another co-accused, Kapil Kumar. However, it is asserted that these transfers were, in part, loans and, in part, repayment of loans previously extended by the Applicant to the co-accused.

4.2 Co-accused Rahul Kumar and Kapil Kumar are relatives of the Applicant, and he has previously engaged in borrowing and lending money with them, based on their needs. There is ample evidence of prior financial transactions between the Applicant and the co-accused, before the occurrence of the alleged offence. Therefore, the allegation of transfer of funds from the Complainant's account to the accounts of Rahul Kumar and Kapil Kumar, do not implicate the Applicant. The Applicant was merely a beneficiary of certain amounts from the co-accused. Given that the Applicant can provide valid justifications for the credit entries made into his account by the co-accused, he cannot be held liable for the alleged offence.

4.3 The Applicant is willing to join investigation and provide the necessary cooperation, and therefore, there is no necessity of custodial interrogation of the Applicant.

4.4 The Applicant is an innocent person. The Investigation Officer, in order to wreak havoc on the Applicant's life, has falsely implicated him, solely on the basis of the bank account statement and the statement of one co-accused, Mukesh Kumar, who was bound down by the IO under Section 35(4) of the BNSS. There are no specific allegations against the Applicant that would implicate him for the alleged offence. Therefore, considering the Applicant's clean antecedents and lack of indulgence in any illegal activity, he should be granted pre-arrest bail.

5. Mr. Amit Ahlawat, APP for the State, on the other hand, strongly opposes the bail application, and submits that the Applicant is a direct beneficiary of the defrauded amount. He argues that this fraud was executed in a well-planned manner, and that the Applicant, in conjunction with the co-accused, conspired and acted in furtherance of a common intent to commit the offence of forgery. Consequently, he contends that custodial interrogation of the Applicant is essential in order to trace the misappropriated funds.

6. The Court has considered the aforenoted contentions. During the course of the investigation, the Prosecution had sought the opinion of PNB, where the Complainant held his bank account, from which the amounts were debited based on the disputed cheques. The bank's opinion confirmed that

Cheque No. 388125 encashed on 8th November, 2024, for INR 14,50,000/- issued in favour of Kapil Kumar, and Cheque No. 388128 encashed on 30th October, 2024, for INR 9,85,000/- issued in favour of Rahul Kumar, were both found to be forged. This suggests that it is not merely forgery of the signatures of the account holder, but rather involves the forgery of the banking instruments themselves. Banking instruments are highly sensitive security documents, printed by authorized printers under strict supervision. The allegation that these instruments were forged implies that the Applicant managed to compromise the entire banking channel and arranged for the printing of forged instruments for the purpose of committing the alleged offence. Therefore, this is not an ordinary case of forgery and necessitates a detailed investigation.

7. The Applicant is one of the accused who is a direct beneficiary of the funds transferred from the accounts of co-accused Rahul Kumar and Kapil Kumar. Furthermore, the Prosecution, during investigation, has also gathered a CCTV footage, indicating the presence of the Applicant along with co-accused Kapil Kumar at the bank, making a cash withdrawal of INR 3 lakhs from their account. This further suggests that the Applicant was acting in cohort with the co-accused.

8. In light of the foregoing facts and circumstances, the Court is of the opinion that it is necessary to trace the source of the forged cheques and recover the devices or printing machines used to create them. Further, given that the co-accused are currently absconding, there is a significant risk that the Applicant may attempt to abscond or destroy evidence and influence other victims. Therefore, the Court is of the opinion that the facts outlined above necessitate custodial interrogation. Consequently, the Court does not

consider this a fit case for granting pre-arrest bail.

9. In light of the foregoing, the request made in the application is declined and the petition is dismissed along with pending application(s).

SANJEEV NARULA, J

FEBRUARY 18, 2025
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