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

\+ BAIL APPLN. 734/2025 & CRL.M.A. 5312/2025

RAJIV GREWAL .....Petitioner

Through: Mr. Sudhir Kumar, Mr. Shubham Tyagi, Mr. Monish Kumar, Mr. Shubham Tyagi, Advs.

versus

STATE OF NCT DELHI .....Respondent

Through: Mr. Ajay Vikram Singh, APP for the State.
SI Rajat Khaiwal, PS Ranhola.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

O R D E R

% 04.04.2025

1. This hearing has been done through hybrid mode.

2. The present second application under Sections 483 read with Section 528 of the BNSS has been filed seeking anticipatory bail in case FIR No. 699/2024 under Sections 79/351(2)/318(4) of the BNS registered at PS Ranhola.

3. The previous application being BAIL APPLN. 347/2025 seeking anticipatory bail on the behalf of the present applicant was dismissed as withdrawn *vide* order dated 28.01.2025 passed by this Court.

4. The present case was registered on the basis of a complaint filed by a lady, wherein she had alleged that in 2023, she had given an amount of Rs. 20 Lakhs to the present applicant in the presence of her friend, Shobha Rani, which was to be paid her in-laws, who were residing in Kerala. It was further alleged that the present applicant had not transferred the said amount of money to the complainant’s in-laws and when she tried to reach out to him

regarding the same, the applicant did not respond to her request multiple times. Thereafter, on 05.10.2023, when she went to the house of the applicant to discuss regarding the return of money, the latter started quarelling with her and pushed her out of his house by making several sexual remarks. It was further alleged that thereafter on 04.03.2024 when the complainant called the applicant and demanded the money back, he became aggressive and threatened to kill her, her husband and her son. It is further alleged that the applicant threatened her that if she ever came to his house again, he would break her leg and also abused her. It was further alleged that threats were also extended to spoil the life of the complainant. It was further alleged that on the day when the complaint in the present case was made, *i.e.*, 22.09.2024, the applicant had abused the complainant over a whatsapp call in filthy language by hurling various sexual remarks.

5. Based on the aforesaid complaint and allegations made therein, FIR in the present case registered for the offences punishable under Sections 79/351(2) of the BNS and investigation was undertaken and supplementary statement of the complainant was also recorded by the investigation officer and thereafter, Section 318(4) of the BNS was added.

6. Learned counsel appearing on behalf of the applicant further submitted that the complainant of the present FIR has filed a complaint under Section 138 of the Negotiable Instruments Act with respect to dishonour of cheque of Rs. 2.5 Lakhs. It is pointed out that averments made in the complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'NI Act') are in complete variance to the allegations made in the present FIR. It is submitted that in the complaint under Section 138 of the NI Act, it was averred that the accused had taken a friendly loan from the complainant and in pursuance of

which, the aforesaid cheque was issued. It is submitted that in view of the same, the story of the complainant is stated to be false. It is further submitted that no proof has been shown of receipt of the cash of Rs. 20 Lakhs by the complainant .

7. *Per contra*, learned APP for the State submits that the allegations made in the present case against the applicant are serious in nature and to investigate the same, he was served with notice under Section 41A of the CrPC, however, he did not join investigation. She further submits that the investigating officer had also visited the house of the applicant on 01.02.2025, however, he was not there. Therefore, custodial interrogation is required to recover the alleged cheated amount of Rs. 20 Lakhs in the present case and also, to verify the other allegations made in the complaint.

8. Heard learned counsel for the parties and perused the records.

9. As per the case of the prosecution, the complainant had given an amount of Rs. 20 Lakhs to the applicant to transfer the same to her in-laws, who were residing in Kerala, however, he had not transferred the same and cheated the complainant of the said amount. During the course of the investigation following documents/articles were taken into possession by the Investigating Officer: -

1. The Voice Recording of conversation between complainant and accused person in a Pen Drive.
2. Transcription of the recording dated 04.03.2024 between the complainant and accused person.
3. Copy of complaint dated 03.04.2024 of S. Vijay Kumar, husband of the complainant.
4. Photocopy of letter written by the accused Rajiv Grewal dated

16.04.2024 regarding the alleged Rs. 20 Lakhs.

5. Copy of cheque of Rs. 2.50 Lakhs given by the accused person to the complainant.

10. As per the status report, a supplementary statement of the complainant was recorded wherein, she has stated that she was working in a company namely, Smart Serve Facility Management Services Pvt. Ltd. and two persons came to her office including the present applicant introducing themselves as persons who could provide money transfer facility at corporate level. It is stated that she had given the applicant Rs. 10 Lakhs each on two occasions to transfer it to Kerala which was done and they paid a commission of 0.5% to the applicant for the said transactions. The said sums, as per the complainant, were part of sale proceeds of Rs. 80 Lakhs of her house in Paschim Vihar. The sale deed of the same has been placed on record by the applicant by way of reply to the status report. It is alleged that subsequently, another sum of Rs. 20 Lakhs was paid to the applicant for his transfer to Kerala however, this time the transfer was not done and the money has not been returned to the complainant despite several attempts.

11. Attention of this Court has been drawn to an order dated 27.06.2024 passed by learned vacation Judge/District Judge - 06, West District, Tis Hazari Courts wherein, in an application of an anticipatory bail filed on behalf of the applicant, prior to the registration of present FIR, the learned Judge passed the following order: -

> "Reply to the application has been furnished by the Investigating Officer. Be taken on record. Copy be supplied to the counsel for the applicant.
> Arguments on anticipatory bail application heard.
> Investigating Officer has submitted report that till date, no FIR has been registered against the applicant. It has been submitted in the

report that a complaint against the applicant has been received at the police station and the same has not yet been culminated into an FIR. It has been further submitted in the report that applicant joined the preliminary inquiry and settled the matter with the complainant. Keeping in view all these facts, the application is dismissed as there appears to be no apprehension of arrest."

12. It is also an admitted case that a cheque of Rs. 2.5 Lakhs was given by the applicant in favour of the complainant. The defence of the applicant is that he was made to issue the said cheque under pressure, however, the perusal of the aforesaid order shows that the matter was settled between the parties and the same does not reflect any such objection by the applicant at that stage. One of the transcript of conversation between the applicant and the complainant has been placed on record which records as under: -

> "1. Indu मै यही कह रही थी की जो पैसे मुझे आपसे लेने है 20 लाख, आप थोड़ा-थोड़ा करके भी दे सकते है वह अभी दिल्ली में है/
> 2. राजीव गेवाल: मैंने सबको बोल दिया है, यह वादा रहा, जीतने भी लोग होंगे, किसी को भी जिंदा वापस नही जाने देगे और आखरी बार बोल रहा हु, अपने लड़के को नंबर दे देना। थाना- जैल, कोर्ट की हमारे कोई परवाह नहीं है।"

13. The contradictions in the stand taken by the applicant are apparent from the face of the record. After settling the matter with the complainant, as pointed hereinabove, the applicant is completely denying his liability. As per the status report, several attempts have been made to contact the present applicant however, he is not available at the given address. It is also pertinent to note that during the time when the protection was granted to the applicant by the learned ASJ *vide* order dated 10.12.2024, he did not surrender his mobile phone which was required for investigation.

14. Learned counsel had submitted that the applicant was unwell and,

therefore, he was not available at the given address. A perusal of the documents annexed with the present application shows that the same is of 10.02.2025 which is a USG Scan and prescription for the same and nothing has been placed on record with regard to his admission in the hospital.

15. In view of the aforesaid facts and circumstances, the custodial interrogation of the applicant is required.

16. In view thereof, the present application is dismissed and disposed of along with all pending applications, if any.

17. Needless to state that, nothing mentioned hereinabove, is an opinion on the merits of the case and any observations made herein are only for the purpose of the present bail application.

18. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

APRIL 04, 2025/*kr/ns*

Click here to check corrigendum, if any