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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1209/2025**
HEMA PAULPetitioner

Through: Mr. Gautam Narayan, Senior
Advocate with Ms. Asmta Singh, Ms.
Sheenu Priya and Mr. Aman Kumar,
Advocates.

versus

STATE OF NCT OF DELHI AND ANRRespondents

Through: Mr. Mukesh Kumar, APP for State.
SI Krishan, P.S. Palam Village.
Counsel for Complainant.
Appearance not given).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **13.10.2025**

1. The Applicant seeks pre-arrest bail in FIR No. 628/2024 registered under Section 420 of the Indian Penal Code, 1860 registered at P.S. Palam Village.
2. The abovementioned FIR was registered on a complaint made by Manoj Kumar Gupta, wherein he alleged that the Applicant, Hema Paul, induced him to purchase her flat for INR 33,00,000/- pursuant to a *bayana* dated 29th February, 2024. He paid about INR 52,00,000/- to the Applicant including INR 29,00,000/- on 26th February, 2024, but the Applicant failed to complete the sale. Investigation was conducted which revealed entries and acknowledgment on the *bayana*, credits into the Applicant's personal account, a subsequent third-party sale and a settlement for INR 45,00,000/- between the parties, followed by dishonour of the cheque issued in view of



the settlement.

3. On 1st April, 2025, briefly noting the background of the case, the Court passed the following order:

“7. Mr. Vikas Pahwa, Senior Counsel for the Applicant, submits that the impugned FIR is an abuse process of law as the dispute between the Applicant and the Complainant is purely civil in nature which emanates alleged breach of contract relating to a sale of the immovable property bearing No. RZ-H-1/3 measuring 84 square yards No. 83/19/2, 20/2, 21/2, Village Palam, Delhi-110045.

8. As regards the transaction relating to the sale of the subject property is concerned, Mr. Pahwa submits that an amount of INR 29 lakhs was received as an advance towards the sale of the property. However, subsequently, an amount of INR 9 lakhs was refunded to the Complainant. Nonetheless, to demonstrate his bonafide, the Applicant volunteers to deposit an amount of INR 20 lakhs with the Registry of this Court.

9. The above allegations are controverted by Mr. Amit Ahlawat, APP for State as well as Ms. Sukhdeep Kaur Rai, counsel for the Complainant. They submit that the Complainant has paid INR 52 lakhs and amount of INR 9 lakhs alleged to be refunded, are payments that are unrelated to the sale of the subject property.

10. Having considered the above, in light of the statement made by Mr. Pahwa, the Applicant is permitted to deposit an amount of INR 20 lakhs with the Registry of this Court within a period of one week from today.

11. The Applicant is directed to join investigation and shall appear before the Investigating Officer tomorrow at 04:00 PM.

12. In the meantime, no coercive steps shall be taken against the Applicant, subject to the Applicant joining the investigation as aforesaid. It is also directed that the Applicant shall not leave GNCTD without prior permission of the Trial Court.

13. Issue notice. Mr. Amit Ahlawat, APP for the State and Ms. Sukhdeep Kaur Rai, counsel for Complainant, accept notice.

14. Let status report be filed, with copy thereof provided to the opposite party.

15. Copy of the order be sent to the concerned Jail Superintendent, for necessary information and compliance.

16. Re-notify on 8th May, 2025.”

4. In compliance with the aforementioned directions, the Applicant has deposited INR 20 lakhs with the Registrar General of this Court. At one stage, counsel for the Complainant had sought time to obtain instructions on



whether the matter could be resolved through mediation; however, the Complainant has declined such recourse and wishes to contest the proceedings on merits.

5. It is noted that the Applicant has joined the investigation and the same is now progressing towards its conclusion. Mr. Mukesh Kumar, APP for the State, on instructions, states that the chargesheet is likely to be filed shortly. Nevertheless, Mr. Gautam Narayan, Senior Counsel for the Applicant, submits that the Applicant shall remain available for investigation as and when required.

6. It also emerges that a civil suit for recovery of INR 52 lakhs has been instituted by the Complainant against the Applicant.

7. As per the averments in the said plaint, an amount of INR 61 lakhs was advanced to the Applicant by way of RTGS and cash, out of which only INR 9 lakhs was repaid and INR 52 lakhs remains outstanding. Though this averment is disputed by the Applicant, the repayment of INR 9 lakhs is admitted between the parties. Moreover, the Applicant has voluntarily deposited INR 20 lakhs with the Registry of this Court, which according to them represents the entire outstanding amount.

8. Mr. Mukesh Kumar, APP for the State, and counsel for the Complainant oppose the bail application on the ground that the Applicant is a habitual offender who has adopted a similar *modus operandi* to defraud others. It is submitted that several complaints have been received at P.S. Palam Village alleging that the Applicant has cheated various persons of money, indicating a recurring pattern of fraudulent conduct. It is further argued that the Applicant is involved in a larger conspiracy of fraud, and that her custodial interrogation is necessary to unearth the complete chain of



events, identify other persons involved, and secure recovery of the cheated amount.

9. Without going into the merits of the case, since the Complainant has already instituted civil proceedings for recovery, it is considered appropriate to direct that the amount deposited pursuant to order dated 1st April, 2025, shall be kept in a fixed deposit, to be renewed from time to time. The said amount shall remain subject to the outcome of the pending civil proceedings. Insofar as the allegation that the Applicant has indulged in similar fraudulent transactions is concerned, the same shall be tested during trial.

10. The Supreme Court has repeatedly emphasized that the provision of anticipatory bail, under Section 438 Cr.P.C., is rooted in Article 21 of the Constitution, which guarantees personal liberty. This calls for a liberal interpretation of the provision, upholding the fundamental principle that every individual is presumed innocent until proven guilty. Section 438 aims at protecting the personal liberty of an individual, who, at the time of seeking anticipatory bail, has not been convicted of the alleged offence and is entitled to the presumption of innocence.¹

11. Considering the nature of the allegations in the FIR, the Applicant joining investigation which is nearing completion, this Court is of the opinion that custodial interrogation is not warranted. However, the Applicant shall continue to appear before the Investigating Officer and fully cooperate as and when directed.

12. Accordingly, in the totality of the foregoing circumstances, it is a fit

¹ Gurbaksh Singh Sibbia and Others v. State of Punjab, (1980) 2 SCC 565; Siddharam Satlingappa Mhetre v. State of Maharashtra and Others, (2011) 1 SCC 694.



case for the grant of anticipatory bail. The application is, therefore, allowed. The Applicant, in the event of arrest, is directed to be released on bail on furnishing a bail bond for a sum of INR 25,000/- with two sureties of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The Applicant shall join and cooperate with the investigation as and when directed by the IO;
- b. The Applicant shall not leave the boundaries of the country without informing the IO/ SHO concerned;
- c. The Applicant shall not contact the witnesses or tamper with the evidence in any manner;
- d. The Applicant shall give her mobile number to the concerned IO/SHO and shall keep her mobile phone switched on at all times;

13. 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.

14. 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.

15. The application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

OCTOBER 13, 2025/as