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

\+ BAIL APPLN. 1256/2025

DEEPUNJ GUPTA .....Petitioner

Through: Mr.Kunal Jain and Ms.Survi Agarwal, Advocates

versus

STATE OF NCT DELHI .....Respondent

Through: Mr.Sanjeev Sabharwal, APP for the State alongwith SI Rahul, P.S.-R.K.Puram
Mr.Maanish Mohan Choudhary and Mr.Abhinav Agrawal, Advocates for R-2

**CORAM:**
**HON'BLE MR. JUSTICE ARUN MONGA**

**O R D E R**

% **08.08.2025**

1. The applicant is before this Court having remained under incarceration since 02.12.2024, seeking indulgence of this Court for grant of bail during pendency of the trial in the criminal proceedings arising out of FIR No. 80/2023 dated 14.02.2023 for alleged offences under Sections 420/408 of the IPC, registered at P.S. R.K.Puram.

2. Briefly speaking, case set up by prosecution on the complaint of M/s Qutab Entertainment Private Limited is that the complainant-company operates the restaurant “Qla” in Mehrauli, New Delhi. In February–March 2022, internal review revealed serious financial irregularities involving Mr. Deepunj Gupta (Accountant) and Mr. Rohtash Kumar (Cashier), who, in

collusion, misappropriated large sums of company funds by forging documents, manipulating accounts, and creating bogus vendor entries. They were responsible for depositing customer cash collections into the company's Yes Bank account (Chattarpur branch), but instead dishonestly siphoned off a portion of the funds and covered it up with fake records. Mr. Gupta also tampered with bank statements, forged cheques, and misused intra-bank transfer features to route payments to his own account. An internal audit revealed multiple methods of embezzlement, including fake vendor accounts and forged payment vouchers. Approx. ₹3 crores have been misappropriated from the company and ₹3 lakhs from its sister concern, Tatva Hill Homes Pvt. Ltd., a resort in Uttarakhand. The fraud appears extensive, and the full scope—including involvement of other employees and possibly bank staff—can only be determined through a detailed police investigation. The accused have also removed key records from the company's office. Despite repeated requests, Yes Bank has declined to provide necessary documents without police direction. An FIR was thus registered and action initiated to uncover the full extent of the fraud, identify all conspirators, recover misappropriated funds and bring the culprits to stand trial.

3. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

4. Learned counsel for the applicant would argue that the grounds taken from the petition inter alia as below :-

4.1. That the applicant ended his association with the complainant company on 14.02.2022, while the FIR was filed one year later on 14.02.2023. This unexplained delay casts doubt on the genuineness of the allegations and suggests a possible attempt to falsely implicate the applicant. Even the alleged offence took place at QLA Restaurant, Mehrauli, which falls outside the jurisdiction of PS R.K. Puram, where the FIR was lodged. This procedural irregularity undermines the case.

4.2 The case relies entirely on internal audit findings and financial data controlled solely by the complainant. The applicant had no exclusive authority over the company's finances. No independent or forensic audit has been conducted to objectively verify the claims. Allegations of embezzlement are unsubstantiated. The company's statutory audit reports for 2020–2021 and earlier did not flag any fraud, even though the business was incurring losses. The audit report dated 12.11.2021 also made no mention of irregularities. A new auditor, appointed on 21.09.2022, conducted a remote audit without full data access. Their report only indicated possible embezzlement and did not confirm the ₹3 crore figure. The actual discrepancy per the 2021–2022 audit was ₹79 lakhs, contradicting the inflated allegations.

4.3 Financial statements for 2022–2023 revealed no new findings related to fraud. The complainant also did not report the fraud to tax or GST authorities, raising doubts about the seriousness of the allegations.

4.4 The complainant has not shown any proof that the vendors in question ever demanded repayment or denied receiving the disputed amounts. With the chargesheet already filed and evidence secured, the applicant has no opportunity to tamper with the case. Hence, continued custody is unwarranted.

4.5 The applicant complied with Section 41A CrPC notices on 22.04.2024 and 29.04.2024 and joined the investigation. His arrest on 29.11.2024, despite voluntary cooperation, was unjustified. He has been in custody since 02.12.2024, and the chargesheet is already filed.

4.6 The applicant suffers from chronic asthma, and custody is adversely affecting his health. He is also the sole breadwinner for his family, including an ailing mother who now lacks financial support.

4.7 All relevant evidence is already with the police. The applicant has strong societal ties, poses no flight risk, and is ready to comply with any bail conditions. Thus, bail should not ordinarily be denied after the filing of the chargesheet unless there is risk of tampering or absconding.

4.8. Lastly, it is further argued by the learned counsel for the applicant that co-accused Rohtash Kumar has been granted bail on 10.06.2025 by learned ACJM-02, Patiala House Courts, New Delhi.

5. Having heard, I am of the view that it is a fit case for bail. Let us see how.

6. Pertinent it is to note that The chargesheet has already been filed, indicating that the investigation toncerning the applicant is complete and his further custodial interrogation is no longer required.

7. Moreover, it is noteworthy that a co-accused/Rohtash has also been granted bail on the very ground that, with the chargesheet filed, his continued custody was unnecessary. The applicant stands on identical footing, and there is no justification for denying him the same relief.

8. As regards the alleged offence attributed to the applicant, the prosecution claims that the applicant, along with the co-accused (now on bail), conspired to siphon off funds from the company’s account into the applicant’s personal account. However, this is strongly contested by the applicant's counsel, who

submits that the applicant was a low key junior-level employee with no control over the management, financial affairs, or systems of the company. He would point out that the fund transfers required OTP-based authentication, and the director—being the only person with access to the OTP-generating software—would necessarily have to be involved for any such transactions to occur. Therefore, without the director's explicit participation, the applicant alone could not have executed or authorized any transfer of funds. It is further submitted that the applicant has a strong defence on merits, yet continues to remain in custody on an unfounded apprehension that he may abscond if released on bail. Though, opposing the aforesaid, learned counsel for the complainant objects to the bail plea of the applicant stating that the OTP was received by the accused person by deceiving the directors of the company.

9. For the purpose of bail, I find merit in the submissions made by learned counsel for the applicant.

10. The applicant is a well-rooted individual in society and the only son of his widowed and ailing mother. In the absence of his father, he bears the sole responsibility of supporting her. His continued incarceration has driven his mother into a state of financial hardship, forcing her to borrow from relatives and subjecting her to avoidable distress and humiliation at this vulnerable stage of life, despite no fault of her own.

11. As an upshot and taking a wholesome view of the matter, the applicant is directed to be released on bail on his furnishing personal bond with solvent surety of like amount to the satisfaction of the Trial Court/Duty Judge concerned as the case may be, subject to the other usual conditions to be imposed by the learned Trial Court.

12. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case and the trial shall proceed without being influenced either way by the same.

13. Accordingly, the bail application stands disposed of.

**ARUN MONGA, J**

**AUGUST 8, 2025**
Nk/dy